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THE NATURE OF AUTHENTIC GOVERNANCE: A TREATISE ON DEMOCRATIC
RHETORIC AND RHETORICAL DEMOCRACY

A Dissertation

Presented to

the Faculty of Social Sciences

University of Denver

In Partial Fulfillment

of the Requirements for the Degree

Doctor of Philosophy

by

Daniel L. Foster

August 2013

Advisor: Dr. Darrin Hicks

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ABSTRACT

Democracy is a form of governance that allows for the flourishing of human potentiality. Unfortunately, democracy has become less of a means of governance and more of a rhetorical device to secure the consent of the people to be ruled by the elite few. Thus the current study seeks to disrupt this hegemonic means of control through an explication of authentic governance and democracy in order to demonstrate that the current manifestations of governance associated with democracy are inauthentic. To begin, authentic democracy –direct or as it is constituted here, rhetorical democracy– can foster a citizenry of active and empowered participants who express their public wills through rhetorical engagements so as to generate a collective will productive of a collectively binding decision that is reflective of a societal common good. To achieve this end, the foundation of the communicative process is set up as being inherently rhetorical and fundamental for the establishment and continuance of the symbolic orders generative of society’s macro- and micro-cultures. Next, engagement of these symbolic orders through democratic rhetoric is necessary for authentic governance to be actualized. Democratic rhetoric posits a new way of understanding and employing invention for rhetorical engagements concerning public problems, as well as constructing a new notion of rhetorical accountability. It is in one’s participation in the collectively binding decision-making process of a rhetorical democracy, which necessitates inventing through

the symbolic orders of others, that the educative and transformative power of rhetoric is facilitated and realized. Additionally, this study reconceptualizes ideology as primarily a sense-making system that provides a method for critical ideological analysis of both Athenian democracy and American governance. Democratic rhetoric hinges upon the citizenry's ability to participate as empowered, functional equals – core ideological constructs of Athenian democracy – in the collectively binding decision-making process. Finally, to facilitate the possibility of democratic rhetoric within governance the current research constructs the possible means, functions and structures, for enacting a rhetorical democracy within the contemporary political context. The implications of this investigation into meaningful symbol systems, culture, rhetoric, ideology, and democracy and the subsequent theory building will prove to be fruitful within the contexts discussed here and in many others.

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The wonder of writing a dissertation is that it is both a singular and collective act. Acknowledging those who have poured into the process is a significant moment of learning and celebration. I cannot express how wonderfully my committee has exhibited extraordinary grace and favor as I persevered through my research and writing. The judicious and timely contributions of Dr. Darrin Hicks were not only inspirational but also invaluable for the directions pursued. Modeling an intelligence and excellence that necessitated my own pursuit of both, Dr. Christina Foust from the very beginning has demonstrated to me that our work should be meaningful for the lives of others who are resisting oppression. In the teaching of Dr. Bernadette Calafell my reflective thinking about the implications of culture pushed my understanding of rhetoric and democracy. The heart of Dr. Sandra Dixon to serve and lead will constantly remind me of a true example of how to be a compassionate educator and scholar.

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I think by far the most important bill in our whole code is that for the diffusion of knowledge among the people. No other sure foundation can be devised, for the preservation of freedom and happiness.

...Preach, my dear Sir, a crusade against ignorance; establish & improve the law for educating the common people.

Let our countrymen know ... that the tax which will be paid for this purpose is not more than the thousandth part of what will be paid to kings, priests & nobles who will rise up among us if we leave the people in ignorance

–Jefferson (1786), *Thomas Jefferson: Writings*

CHAPTER ONE: AMERICAN DEMOCRACY?

We claim to be the greatest democratic people in the world, and democracy means, first of all, that we can govern ourselves.

–Woodrow Wilson (1913-1921), *A Compilation of the Messages and Papers of the Presidents*

Democracy in America is a mirage...

Just like a mirage shimmering on the horizon of a hot, dry desert promises the relief of cool waters, democracy in America extends the hope of sovereignty, liberty, and equality; empowering the people to embrace life and pursue happiness through self-rule:

- A mirage provides direction and structures action, but it never fulfills expectations.
- A mirage is unsatisfying in that while it “appears real or possible”¹ it is merely an illusion.
- A mirage ends in disillusionment.

And yet an actual pool of cool water does revive a weary and thirsty traveler just as the authentic “object” of democracy empowers, enlightens, transforms, and activates a citizenry to embody a way of life that “materialize[s]” the “creation of ... human being[s]” who “exists and lives in and through the unity of ... the love and ‘practice’ of

¹ *Oxford American Desk Dictionary and Thesaurus*, 3rd ed., s.v. “Mirage.”

beauty, the love and ‘practice’ of wisdom, the care and responsibility for the common good.”² Behind the illusion of the mirage is the actuality of what it appears to be.

Democracy was a practice of the American people prior to the American Revolution; a practice interrupted by the process of securing ratification of the Constitution. During this interruption the Federalists, framers of the Constitution, excited “a passion of jealousy in the People against themselves,”³ so that they became “dupes of artful manoeuvres, & made for a moment to be willing instruments in forging chains for themselves.”⁴ Bound by *chains* the people believed that they could not truly govern themselves and accepted an argument John Adams articulated well in 1776 that “the first necessary step” to govern an “extensive country” should be to “depute power from the many to a few of the most wise and good.”⁵ Following the establishment of the Union the people awoke from their jealousy to the ideas, ideals, and merits of democracy as if from a deep slumber and “demophilia, the love of the demos,”⁶ –the people– reemerged on the American political stage, driving alterations to Federal and State governance.

² Cornelius Castoriadis, *Philosophy, Politics, Autonomy: Essays in political philosophy*, ed. David Ames (New York: Oxford University Press, 1991), 123.

³ Plain Truth [pseud.], “On Democracy,” *The Independent Chronicle*, July 18, 1803.

⁴ Thomas Jefferson, *Thomas Jefferson: Writings* (New York: Library of America, 1984), 1064.

⁵ John Adams, *The Portable John Adams*, ed. John Patrick Diggins (New York: Penguin Books, 2004), 235.

⁶ Jeremy Engels, “Demophilia: A Discursive Counter to Demophilia in the Early Republic,” *Quarterly Journal of Speech* 97, no. 2 (May 2011): 132.

Ever since, woven throughout the words of the Presidents, democracy and its ideals have been employed symbolically to win and maintain the consent of the people. With Thomas Jefferson begins a parade of presidential associations with democracy: “We of the United States ... are constitutionally and conscientiously democrats.”⁷ Over and over again the presidents have inculcated in the people the belief, as John Quincy Adams (1825-1829) stated in his inaugural address, that “our political creed is ... that the will of the people is the source and the happiness of the people, the end of all legitimate government upon earth”;⁸ or as William Henry Harrison (1841) declared that because “the broad foundation upon which our Constitution rests being the people – a breath of theirs having made, as a breath can unmake, change, or modify it – it can be assigned to none of the great divisions of government but to that of democracy”;⁹ or in the august language of Abraham Lincoln (1861-1865), “government of the people, by the people, for the people.”¹⁰

⁷ Jefferson, *Thomas Jefferson: Writings*, 1385.

⁸ John Quincy Adams, “Inaugural Address,” in *A Compilation of the Messages and Papers of the Presidents*, vol. 2, ed. James Daniel Richardson (Washington, D.C.: Bureau of National Literature and Art, 1897), 862.

⁹ William Henry Harrison, Inaugural Address “Inaugural Address,” in *A Compilation of the Messages and Papers of the Presidents*, vol. 4, ed. James Daniel Richardson (Washington, D.C.: Bureau of National Literature and Art, 1897), 1861.

¹⁰ Abraham Lincoln, “Facsimile – Lincoln’s Original Draft of Gettysburg Address,” in *A Compilation of the Messages and Papers of the Presidents*, vol. 7, ed. James Daniel Richardson (Washington, D.C.: Bureau of National Literature and Art, 1897), 3401.

Not only has the American government been continually portrayed as democratic, even as “...the sample democracy of the world,”¹¹ –Woodrow Wilson (1913-1921)– but the values and ideals of democracy are said to be American as well. For “a great democracy like ours,” claimed Theodore Roosevelt (1901-1909), “a democracy based upon the principles of orderly liberty, can be perpetuated only if in the heart of ordinary citizens there dwells a keen sense of righteousness, and justice.”¹² The nation, admonished Franklin D. Roosevelt (1933-1945), “continue[s] to offer” citizens “hope, liberty and justice which have always prevailed in this great democracy of ours.”¹³ America is a nation in “search for freedom”¹⁴ –Jimmy Carter (1977-1981)– and which Ronald Reagan (1981-1989) argued “champions peace that enshrines liberty, democratic rights, and dignity for every individual.”¹⁵ While democracy, which John F. Kennedy (1961-1963) said is founded upon “the right to fair representation and to have each vote

¹¹ Woodrow Wilson, “Eighth Annual Address,” in *A Compilation of the Messages and Papers of the Presidents*, vol. 27, ed. James Daniel Richardson (Washington, D.C.: Bureau of National Literature and Art, 1897), 8883.

¹² Theodore Roosevelt, “Proclamation 776 - Thanksgiving Day,” in *The American Presidency Project*, eds. John T. Woolley and Gerhard Peters, <http://www.presidency.ucsb.edu/ws/index.php?pid=72436&st=democracy&st1=#axzz1NDyjLU52> (accessed on 20 July, 2013).

¹³ Franklin D. Roosevelt, “Greeting to New Citizens,” in *The American Presidency Project*, eds. John T. Woolley and Gerhard Peters, <http://www.presidency.ucsb.edu/ws/?pid=15953> (accessed on 20 July, 2013).

¹⁴ Jimmy Carter, “Address to the Nation on Energy and National Goals: ‘The Malaise Speech’,” in *The American Presidency Project*, eds. John T. Woolley and Gerhard Peters, <http://www.presidency.ucsb.edu/ws/?pid=32596> (accessed on 20 July, 2013).

¹⁵ Ronald Reagan, “Address Before a Joint Session of the Congress on the State of the Union,” in *The American Presidency Project*, eds. John T. Woolley and Gerhard Peters, <http://www.presidency.ucsb.edu/ws/?pid=38069> (accessed on 20 July, 2013).

count equally,”¹⁶ is perpetually posited to define and describe the American political system, George W. Bush (2001-2009) claimed it is also essential for identification as a citizen: “What makes us Americans is a shared belief in democracy and liberty.”¹⁷ The American ideology of democracy is so well established and accepted that when Barack Obama (2009-present) claims that “power rests not with those of us in elected office, but with the people we have the privilege to serve”¹⁸ American citizens believe that the claim is justified. The long socio-historical legacy inculcated by Presidents, Federal and State politicians, educators, and the common citizen confirms that America is rhetorically constructed as a government that was originally framed and continues to embody democratic ideals. And who could blame the American citizenry since ideologically democracy is American, even if in American governance democracy is only a mirage.

The rich rhetoric of the Presidents provides a glimpse into the ideological links that comprise the American articulation of democracy: The will of the people is represented through elected officials, who derive their power from the people, in order to ensure that citizens’ rights to liberty, justice, and equality as established in the Constitution of the United States are protected. Left out of this conspectus of American

¹⁶ John F. Kennedy, “The President's News Conference,” in *The American Presidency Project*, eds. John T. Woolley and Gerhard Peters, <http://www.presidency.ucsb.edu/ws/?pid=8573> (accessed on 20 July, 2013).

¹⁷ George Bush, “President Bush Delivers Commencement Address at Miami Dade College,” in The White House: President George W. Bush, <http://georgewbush-whitehouse.archives.gov/news/releases/2007/04/20070428-3.html> (accessed on 20 July, 2013).

¹⁸ Barrak Obama, “Press Conference by the President,” in The White House: President Barack Obama, <http://www.whitehouse.gov/the-press-office/2010/11/03/press-conference-pre>, (accessed on 20 July, 2013).

democratic ideology is an orientation rooted deeply in the revolutionary and the Constitutional periods of American history that has strongly influenced the rhetoric of the Presidents. Andrew Jackson (1829-1837), identified this orientation during his inaugural address when he asserted that “our Government” is “worth defending” when “it secures ... the rights of person and of property.”¹⁹ One hundred and thirty four years later, while addressing the Free University of Berlin, John F. Kennedy explicitly made the same linkage when he stated: “economic well-being and democracy must go hand in hand.”²⁰ Consequently, the ideal of protecting property or securing economic well-being is an important characteristic of American governance.

Democracy is a not just an idea, it is a composite of ideas, sentiments, values, material practices, institutions, and artifacts. Democracy is an ideology and the ideological rhetoric of democracy calls forth for a certain structuring of individual and collective life. As an ideology, democracy is constitutive of individual identities, subject positions, practices, institutions, and even life pursuits. The rhetoric of democracy veils the nature of governance in America, convincing the people that in America it is they who self-govern: obviously this is an assertion fraught with strong implications for how the American citizenry can engage the system of governance through which society is ruled. While it is important to make this assertion clear to position the foundational perspective related to what is to follow, in order to problematize democracy in America it

¹⁹ Andrew Jackson, “Inaugural Address,” in *The American Presidency Project*, eds. John T. Woolley and Gerhard Peters, <http://www.presidency.ucsb.edu/ws/?pid=25810> (accessed on 20 July, 2013).

²⁰ John F. Kennedy, “Address at the Free University of Berlin,” in *The American Presidency Project*, eds. John T. Woolley and Gerhard Peters, <http://www.presidency.ucsb.edu/ws/?pid=9310> (accessed on 20 July, 2013).

is not necessary to hold that it is a mirage or even a veil that is productive of the power of the few over the many. For the fact that democracy is perceived as being “thin”²¹ and is experienced by the citizenry as inauthentic provides sufficient grounds from which to launch an inquiry into democracy and American governance.

Authentic Democracy and Democratic Inauthenticity: A Sketch

Under every view of the subject, it seems indispensable that the Mass of Citizens should not be without a voice, in making the laws which they are to obey.

—James Madison, *The Anti-Federalist Papers and the Constitutional Convention*

Debates

Today democracy is plagued by a crisis of meaning. Even understanding why democracy is experienced as inauthentic is an exercise in near futility due to the many various forms of governments that have claimed it as a label to legitimize their right to rule. In the current climate in which democracy has lost its coherence by becoming “wonderfully elastic”;²² to understand it when it has come to mean anything, as noted by Robert Dahl, “yet a term that means anything means nothing. And so it has become with ‘democracy,’ which nowadays is not so much a term of restricted and specific meaning as a vague endorsement of a popular idea”²³ it is necessary to briefly define authentic democracy to understand why people, even though, as Susan Pharr, Robert Putnam and

²¹ Benjamin R. Barber, *Strong Democracy: Participatory Politics for a New Age* (New York: Alfred A. Knopf, 2003), 132.

²² Ellen Meiksin Wood, “Democracy: An idea of ambiguous ancestry,” in *Athenian Political Thought and the Reconstruction of American Democracy*, eds. J. Peter Euben, John R. Wallach, and Josiah Ober (Ithaca: Cornell University Press, 1994), 66.

²³ Robert A. Dahl, *Democracy and Its Critics* (New Haven: Yale University Press, 1989), 2.

Russell Dalton claim, their belief in its values and aspirations is “higher than ever,”²⁴ are experiencing it as inauthentic.

Authenticity, according to Martin Heidegger, is to “take hold of [one’s self] in its own way”;²⁵ or in other words, to live the truth of one’s essential being, which includes realizing the possibilities of one’s potentialities.²⁶ Translating and applying Heidegger’s idea of authentic being to an authentic experience of democracy would dictate that democratic governance needs to actualize an experience of its essential ideological implications. When actualities violate these constitutive and generative implications, those living under the ideology experience dissonance and relate to the experience of the ideology as inauthentic. Fundamentally democracy involves rhetoric as the primary means for engaging with other citizens in consideration of how to self-rule (democratic rhetoric) and necessitates institutional spaces in which the people enact rhetorically their democratic power (rhetorical democracy). Democratic rhetoric historically flourished first, more than two and a half millennia ago upon the shores of the Aegean Sea in the rhetorical democracy of ancient Athens. Consequently, as democratic governance moves away from the Athenian ideal –direct democracy– the people are not able to *know* if (1) their *will* will frame the collectively binding decision-making agenda, (2) that their *will* is

²⁴ Susan J. Pharr, Robert D. Putnam, and Russell J. Dalton, “Trouble in the Advanced Democracies? A Quarter-Century of Declining Confidence,” *Journal of Democracy* 11, no. 2 (April 2000): 9.

²⁵ Martin Heidegger, *Time and Being*, trans. John Macquarrie and Edward Robinson (New York: HarperOne, 1962), 167.

²⁶ Susan Zickmund, “Deliberation, Phronesis, and Authenticity: Heidegger’s Early Conception of Rhetoric,” *Philosophy and Rhetoric* 40, no. 4 (December 2007): 407-408.

considered in the decision-making process, and (3) that their *will* will be constitutive of laws that will be enforced. This lack of knowledge, generative of a lack of faith in the democratic process, undermines the very foundations that legitimizes democratic rule. Without this knowledge and faith the perception and experience of democracy as inauthentic flourishes and the citizenry withdraws their commitment to the system and practice of governance. The authenticity deficit of the democratic process is a result of a power deficit of the people; due to their functional exclusion from the ongoing collectively binding decision-making process. This power deficit is justified through a lack of faith in the capacities of the people, which has led to a system of governance that constrains the participation and power of the people to ensure the means of governance avoids certain ends.

Democracy “at its core,” claims John Gastil, has not shifted from what it meant for its first practitioners, the ancient Athenians, “self-rule, rule by all.”²⁷ As a revered word and political system for many in the world today, especially for those who believe that its principles have been reified in their governing practices, not only does democracy “promise that those who call upon the law and those whom the law calls upon are also its authors” but it additionally, Darrin Hicks argues, “refers to a particular institutional arrangement for making binding political decisions.”²⁸ While democracy’s conceptual core is the people’s ability and right to self-rule, it has fostered an ideology representative of a web of related ideals, beliefs, values, practices and institutions. Certainly the

²⁷ John Gastil, *Political Communication and Deliberation* (Los Angeles: Sage Publication, 2008), 5.

²⁸ Darrin Hicks, “The Promise(s) of Deliberative Democracy,” *Rhetoric & Public Affairs* 5, no. 2 (June 2002): 229.

tradition of democracy, as Samuel Freeman states, assumes that its citizens are not only *free, equal, self-governing* and “subject only to laws that they have accepted,” but that society’s common good is pursued through public debate that opens the collectively binding decision-making process to public scrutiny and criticism.²⁹ Robert Dahl argues that democracy exhibits characteristics that enables the citizenry, inclusive of society’s adult members, means for “effective participation ... voting equality ... control of the agenda” and produces within them an “enlightened understanding” of societal issues.³⁰ Embedding these traditional concepts and distinguishing characteristics into the structure of a governing apparatus certainly is necessary for democratic governance and yet they are not sufficient for enlivening government to be democratic if the people are not empowered, as engaged participants, for self-rule. Democracy is conceptually and experientially inauthentic when a people are functionally without the power to self-rule; be the *authors* of the laws under which they live.

Democratic governance fundamentally entails an institutionalization of a *free* people’s *power* through *equal participation* in the decision-making processes that result in cooperative acts necessary to resolve public problems. This *empowerment* is at the heart of that which is denied the people through the institutional arrangements of contemporary systems of democratic governance. Chantal Mouffe makes this point when she claims that “the dominant tendency” for “envisaging democracy” today considers

²⁹ Samuel Freeman, Deliberative Democracy: A sympathetic comment, *Philosophy & Public Affairs* 29, no. 4 (October 2000): 417.

³⁰ Robert A Dahl, *On Democracy*, 37-38.

“popular sovereignty ... to be obsolete”³¹ even though without it a government denies that which is “central” to the “democratic imaginary.”³² The belief that “popular assent”³³ is the qualitative equivalency to democratic self-rule instills a false sense of empowerment in the people when their public institutions actually entail a process that has less to do with the people ruling and more with whom shall rule over them. Consequently, even though the people are the admitted source of political power it is often forgotten that since they entrust their power to a select few –representatives– their power and right to self-rule has been delegated to those they have authorized to govern in their place.

In consideration of this question about democratic inauthenticity Sheldon Wolin points to the affects of institutionalization. He argues that what “mark[s] the attenuation of democracy” is the moment when governance “become[s] specialized, regularized, and administrative in character and quality.”³⁴ Institutionalization embeds “routinization, professionalization, and the loss of spontaneity”³⁵ and therefore it “depends on the ritualization of the behavior of both rulers and ruled to enable the formal functions of the

³¹ Chantal Mouffe, *The Democratic Paradox* (London: Verso, 2000), 3-4.

³² Mouffe, *The Democratic Paradox*, 4.

³³ Stephen Macedo, *Democracy at Risk: How political choices undermine citizen participation and what we can do about it* (Washington, D.C.: Brookings Institution Press, 2005), 13.

³⁴ Sheldon S. Wolin, “Fugitive Democracy,” in *Democracy and Difference: Contesting the Boundaries of the Political*, ed. Seyla Benhabib (Princeton: Princeton University Press, 1996), 39.

³⁵ Sheldon S. Wolin, “Norm and Form: The Constitutionalizing of Democracy,” in *Athenian Political Thought and the Reconstruction of American Democracy*, eds. J. P. Euben, John R. Wallach, and Josiah Ober (Ithaca: Cornell University Press, 1994), 36.

state ... to be conducted on a continuing basis.”³⁶ The problem with his argument is that it is not that institutionalization concretizes certain ritualized behaviors as much as it is the behaviors that the current manifestations of democracy institutionalize. In spite of this concern, the insights of Wolin are productive regarding the institutional arrangements of representative democracy in two ways. First, to be successful within a field heavily dominated by routine an individual has to master its ins and outs and in doing so systemic innovation has to be suppressed. Allowing innovation to flourish introduces unfamiliarity, dislodges the routine and thereby diminishes the power and position attained by those who have acquired superior system knowledge and skills. Second, as the institutions of representative democracy have become more administrative and professionalized, collectively binding decision-making migrates from the local context and the “vagaries of local preferences” where substantial differences can emerge across the national landscape to centralized spaces so that, as Michael Sandel argues, the collectively binding decisions are made effective for all of those ruled.³⁷ When this happens the people, typically distant from the decision-making process in both place and power, experience a “sense of powerlessness” as they are left outside of the political process.³⁸ In other words, contemporary democratic governance privileges individual citizens who have knowledge of and power within a government that is fundamentally and functionally set apart from the people. As such, attempts by the people to assert their

³⁶ Wolin, Norm and Form, 36.

³⁷ Michael J. Sandel, “The Procedural Republic and the Unencumbered Self,” *Political Theory* 12, no. 1 (February 1984): 94.

³⁸ Sandel, The Procedural Republic and the Unencumbered Self, 94.

power and right to self-rule is filtered through a form of democratic governance that is institutionally aligned to mitigate their ability to rule. Therefore, due to the seductive influence of institutional power, even when the people are desirous of significant change in the political realm, the status quo is perpetuated by the political elite. When the status quo is maintained it demonstrates the power of the institutional elites and impotency of the people's power for actual self-governance.

The ideology of governance that drives representative democracies and its institutions is one that results in either the people not being the authors of or not participating in authoring society's laws. Referring to nations that exhibit the current institutional arrangements commonly associated with democracy, Iris Marion Young contends that they are "for the most part only thinly democratic."³⁹ In representative forms of democratic governance the power of the people has been restricted to their occasional acts of voting. As Hannah Arendt argues, "the old adage, 'All power resides in the people,' is true only for the day of election."⁴⁰ Yet, even this claim is misleading as the power of the people's vote is limited within the governing apparatuses of representative democracy. At one level the infrequency of this political expression and its ineffectualness for producing both desired collectively binding decisions and systemic changes serves to convince the people that their votes typically only alters political actors instead of the political acts those actors repeatedly (re)produce. These recurrent results lead the people to withdraw from the public realm, since, as Morris Rosenberg has

³⁹ Iris Marion Young, *Inclusion and Democracy* (New York: Oxford University Press, 2000), 5.

⁴⁰ Hannah Arendt, *On Revolution* (New York: Penguin Books, 1963), 240.

shown, “people tend to be motivated to action only if they feel that this action leads to the desired goal.”⁴¹ If the desired goal is viewed as unlikely, then “the individual feels that even if he were active, the political results he desires would probably not come to pass” and “there is consequently no point in doing anything.”⁴² Therefore Benjamin Barber’s claim that the people “are apathetic because they are powerless, not powerless because they are apathetic”⁴³ becomes a powerful indictment of the current means of American democratic governance.

The institutions of governance in representative democracies constrain, if not effectively eradicate, the spaces in which the people can meaningfully participate in the public realm where collectively binding decision-making transpires. Arendt claims that through the Constitution the people were “given all power” even though “there was no space established for them” to be “citizens.”⁴⁴ Relegated to occasional acts of simply casting votes “citizens,” as Young states, “never need to leave their own private and parochial pursuits and recognize their fellows in a public setting to address one another about their collective.”⁴⁵ In this political arrangement, Arendt posits that, citizens can be citizens without “an opportunity to engage in those activities of ‘expressing, discussing

⁴¹ Morris Rosenberg, “Some Determinants of Political Apathy,” *The Public Opinion Quarterly* 18, no. 4 (December 1954): 354.

⁴² Rosenberg, *Some Determinants of Political Apathy*, 354.

⁴³ Barber, *Strong Democracy*, 272.

⁴⁴ Arendt, *On Revolution*, 256.

⁴⁵ Iris Marion Young, “Communication and the Other: Beyond Deliberative Democracy,” in *Democracy and Difference*, ed. Seyla Benhabib (Princeton; Princeton University Press, 1996), 126.

and deciding’ which in a positive sense are the activities of freedom.”⁴⁶ Instead of having to rhetorically engage in deliberate forums, over a public problem with those likeminded or not, a citizen can simply vote, “regardless of how ignorant or selfish [s/he] may be in casting [his or her] ballots in the privacy of the ballot box.”⁴⁷ Without a space in which the people collectively decide what cooperative act(s) will lead to the common good, following Carroll Arnold insights, the citizenry does not have to “*stand with*”⁴⁸ their “symbolic acts” and thereby risk their community standing by:

declar[ing], clarify[ing], obscur[ing], or otherwise signal[ing] to those who see and/or hear, [their] intelligence, ... intentions toward those *to* whom [they are] relating ... integrity ... capacity to relate ... to others, ... or ... want of these.⁴⁹

Certainly people speak their opinions, but typically they speak into forums in which their words have little or no meaning. Speaking past each other they do not have to respond to the content of what anyone else has said because the impetus to have to actually engage others through a democratic rhetoric is nonexistent.

In the end, the people have no reason to either listen to or learn about how their proposed solutions will impact the lives of fellow societal members. In other words, the secrecy of the voting booth deprives the people of the opportunity to and necessity of troubling their own personal preferences by considering the preferences of others through a direct, embodied and empowered contestation of their ideas. Their opinions and

⁴⁶ Arendt, *On Revolution*, 238.

⁴⁷ Bruce Ackerman and James S. Fishkin, “Deliberation Day,” *The Journal of Political Philosophy* 10, no. 2 (June 2002): 131.

⁴⁸ Carroll C. Arnold, “Oral Rhetoric, Rhetoric, and Literature,” *Philosophy and Rhetoric* 40, no. 1 (January 2007): 177.

⁴⁹ Arnold, *Oral Rhetoric, Rhetoric, and Literature*, 176.

arguments, supportive of their preferences, need not be tested nor refined for they have neither the space where their words and reputations are risked through meaningful deliberation with oppositional voices nor the space where their power is personal, immediate and effective. Lacking such a space to enact their power for self-rule –to discuss/debate, decide and do– the people withdraw from the process of self-governance.

Democracy in principle and practice, must afford the people, the citizenry of society, an institutionalized agonal space in which they can participate in the “political struggles”⁵⁰ of society. For citizens to be motivated to act in the democratic process their voices must “have authoritative standing” so that, as Mark Warren contends, they can “speak on behalf of their own experiences and interests” and offer “responses to the cognitive content of claims, challenges, and arguments of others.”⁵¹ In other words, for decision-making processes that intend collectively binding decisions to be perceived as fair and authentic the voice of those affected by the decisions must be, not only heard, but viewed as having an equal influence on the process. Robert Folger and his associates have referred to this phenomenon as the *voice effect*.⁵² According to Folger and his colleagues, the opportunity to express one’s voice is advantageous for a couple of reasons. On one hand, when people are able to communicate their experiences, knowledge, thoughts, and opinions –*voice*– into a decision-making process the procedure

⁵⁰ Chantal Mouffe, *The Return of the Political* (London: Verso, 1993), 6.

⁵¹ Mark E. Warren, “Deliberative Democracy and Authority,” *American Political Science Review* 90, no. 1 (March 1996): 50.

⁵² E. Allan Lind, Ruth Kaufer, and P. Christopher Earley, “Voice, Control and Procedural Justice: Instrumental and Noninstrumental Concerns in Fairness Judgments,” *Journal of Personality and Social Psychology* 59, no. 5 (November 1990): 952.

and resulting decision are more likely to be superior to decisions arrived at through a process that does not allow for participant contributions.⁵³ The decision-making process consequently, is enhanced through an increase of information that is brought to bear upon the decision. In addition, by having a *voice* in the process the procedure is judged to be fairer by a participant since s/he “at least has a chance to defend his/her position and present his/her side of the issue.”⁵⁴ Thus, when individuals have the opportunity to speak into and have equal influence on a decision-making process they typically deem that process and its outcomes to be more legitimate.

The ability to have a *voice* in the decision-making process has even further reaching consequences. Not only does the *voice effect* relate to the perception that decision-making outcomes are fairer, in that participants “believe that voice will help them control ... outcomes,” but, Allan Lind, Ruth Kaufer and Christopher Earley argue, it also stimulates the view that they “are valued, full-fledged members of the group enacting the procedure.”⁵⁵ In other words, as Darrin Hicks and his associates found, the *voice effect* positively impacts a participant’s perspective of the process, arrived at outcomes –or “structural conditions”– and how s/he experiences the process –or

⁵³ Robert Folger, David Rosenfield, Janet Grove, and Louise Corkan, “Effects of ‘Voice’ and Peer Opinions on Responses to Inequity,” *Journal of Personality and Social Psychology* 37, no. 12 (December 1979): 2259.

⁵⁴ Folger, Rosenfield, Grove, and Corkan, Effects of “Voice” and Peer Opinions on Responses to Inequity, 2259.

⁵⁵ Lind, Kaufer, and Earley, Voice, Control and Procedural Justice, 952.

“relational judgments.”⁵⁶ This in turn has positive effects on participation –individuals are more apt to contribute to the process⁵⁷– and the implementation of the decision.⁵⁸

While the *voice effect* leads to positive fairness judgments regarding the decision-making processes and outcomes the inverse has also been shown to be true. There is an interrelationship between “deficits in ... structural conditions” and “negative relational judgments”⁵⁹ in that when participants perceive that either is true the other is held as well. When this occurs people are denied their *voice* in a decision-making process, which leads the participants to “perceive the process as [being] unfair.”⁶⁰ For instance, Hicks and his colleagues found that individuals, who believe that their participation in a decision-making process is being exploited through manipulation by those in authority or influential positions, are liable to withdraw from the process.⁶¹

Democratic inauthenticity exhibits a pattern wherein the citizenry, denied a space for rhetorical engagement, is not able to embody their power for self-rule through *voicing*

⁵⁶ Darrin Hicks, Carl Larson, Christopher Nelson, David L. Olds, and Erik Johnston, “The Influence of Collaboration on Program Outcomes: The Colorado Nurses-Family Partnership,” *Evaluation Review* 32, no. 5 (October 2008): 457.

⁵⁷ Hicks, Larson, Nelson, Olds, and Johnston, The Influence of Collaboration on Program Outcomes, 458.

⁵⁸ Hicks, Larson, Nelson, Olds, and Johnston, The Influence of Collaboration on Program Outcomes, 470.

⁵⁹ Hicks, Larson, Nelson, Olds, and Johnston, The Influence of Collaboration on Program Outcomes, 458.

⁶⁰ Hicks, Larson, Nelson, Olds, and Johnston, The Influence of Collaboration on Program Outcomes, 471.

⁶¹ Hicks, Larson, Nelson, Olds, and Johnston, The Influence of Collaboration on Program Outcomes, 457.

their positions equally and effectively within the democratic decision-making process. The people, who have the right to produce collectively binding agreements that lead to cooperative actions they are ultimately responsible for, need spaces within the political sphere to interact, decide and act with their equals. Through ideological implications, productive of systemic, procedural limitations embedded into the heart of representative democracy, the positive consequences of *voice effects* are diminished and/or lost. Deficient of meaningful spaces for the people to actually embody citizenship and their power to self-rule, the democratic process is judged to be unfair, which in turn facilitates the people's withdrawal from the very spaces that afford them with limited opportunities to speak into governance. When citizens believe that their *voice* is denied or has limited affects, they abandon the democratic process, which results in democracy losing its legitimacy –authenticity– as a means of governance.

To reinvigorate democracy, governance needs to provide citizens with opportunities for direct participation within the collectively binding decision-making process. To do so, the institutions of governance need to incorporate spaces where, harkening back to democracy's conceptual core of self-rule, the people can actually engage with one another to formulate solutions to public problems that are then implemented for the good of their communities. By looking back to the ancient Athenians, it is possible to imagine the imperative institutional frameworks necessary to deepen and make more authentic the democratic experience. Athenian democracy, referred to today as a direct democracy, while considered to be the birthplace of democratic ideology and governance, has not and is not considered as a feasible model for governance. As such, numerous scholars and political actors, past and current, have

directed a number of potent criticisms toward direct democracy. Before proceeding to arguments for the necessity of democratic rhetoric, institutionalized in rhetorical democracy, that provides spaces for direct, collective decision-making these critiques must be addressed.

Critiquing the Critiques of Direct Democracy

Democracy that calls for the direct participation of the citizenry, like that found in ancient Athens, has suffered a number of criticisms about its functional and ethical practicability. Thomas Paine noted that “as ... democracies increased in population, and the territory extended, the simple democratical form became unwieldy and impracticable.”⁶² Contemporary criticisms of direct democracy still acknowledge these functional disadvantages and have added a number of others. Two further functional concerns holding direct democracy as untenable involve time costs and a lack of sufficient infrastructure. Time costs posit that the duration needed to conduct an assembly—gathering of citizens to make collectively binding decisions—is too demanding for contemporary, modern societies.⁶³ The infrastructure concern, building from Paine’s argument, claims that due to large populations and high urban density it is not feasible to provide the necessary functional space to allow all to participate in a face-to-face context.⁶⁴ These practical concerns led Young to claim: “Democratic politics must respond to this scale, and thus must involve millions of people related to one another

⁶² Thomas Paine, “Rights of Man,” in *Selected Writings of Thomas Paine*, ed. Richard Emery Roberts (New York: Everybody's Vacation Publishing, 1945), 302.

⁶³ Young, *Inclusion and Democracy*, 16.

⁶⁴ Amy Gutmann and Dennis Thompson, *Why Deliberative Democracy?* (Princeton: Princeton University Press, 2004), 31.

through democratic institutions.”⁶⁵ The ethical critiques claim that time costs could impinge upon a citizens’ freedom to be a nonparticipant;⁶⁶ that direct democratic procedures and participation favor extroverts over introverts;⁶⁷ that citizenship in previous direct democracies were narrowly exclusive⁶⁸ and that their homologous societal composition is not translatable to today’s heterogeneous society;⁶⁹ and that direct democratic processes might produce faulty collectively binding agreements, built upon poor justifications.⁷⁰

Pushing Beyond Limitations of Nature and Structure

It is the opinion of the greatest writers, that a very extensive country cannot be governed on democratical principles.

—Centinel, *The Anti-Federalist Papers and the Constitutional Convention Debates*

While full answers to a number of these critiques will emerge throughout the development of the arguments for democratic rhetoric and rhetorical democracy, initial responses are warranted. Creative institutional programming and design has the potentiality to rectify population, scope and infrastructure limitations. To pare away the functional concern related to time cost and its ethical correlative requires a two part

⁶⁵ Young, *Inclusion and Democracy*, 45.

⁶⁶ Gutmann and Thompson, *Why Deliberative Democracy?* 31.

⁶⁷ Majid Behrouzi, *Democracy as the Political Empowerment of the Citizen: Direct-Deliberative e-Democracy* (New York: Lexington Books, 2005), 158.

⁶⁸ Wolin, Norm and Form, 33.

⁶⁹ Seyla Benhabib, *Situating the Self: Gender, Community and Postmodernism in Contemporary Ethics* (New York: Routledge, 1992), 93-94.

⁷⁰ Gutmann and Thompson, *Why Deliberative Democracy?* 31.

answer. Functionally time is finite and thus one's various pursuits present a person with competing life concerns. Ethically the time commitment necessary for participation in an assembly could interfere with the earning, production, and distribution potential of participants.⁷¹ Functionally, the effects of time costs can be mitigated by distributing participation across the spectrum of the citizenry, which would equalize its effects on the private potential of societal members as well as the democratic benefits. Regarding the ethical concern it should be noted that it rests upon a particular notion of citizenship that essentially constricts equality to the private realm and includes a freedom from politics.⁷² An alternative perspective that shatters this divide that privileges the few over the many holds that to be a citizen is implicative of empowered participation within the collectively binding decision-making process. In this view, citizenship obligates its members to actively engage in the democratic process. Being empowered to act –to have ownership of their own self-rule– citizens are responsible for their public and collective wellbeing.

⁷¹ Behrouzi, *Democracy as the Political Empowerment of the Citizen*, 158.

⁷² Hannah Arendt, *The Portable Hannah Arendt*, ed. Peter Baehr (New York: Penguin Books, 2000), 534.

Being too Fearful to Rule

Courage ... does not gratify our individual sense of vitality but is demanded of us by the very nature of the public realm. ... Courage liberates men from their worry about life for the freedom of the world.⁷³

—Hannah Arendt, *The Portable Hannah Arendt*

In a direct democracy it is certainly true, as Majid Behrouzi contends, that public communication apprehension or even introversion “could have disempowering and alienating effects”⁷⁴ and yet this perspective offers a narrow view on the opportunities afforded one by direct participation in the democratic process. The value of participation is not limited to the possibility of a personal public address, as it also empowers citizens to learn, listen and influence familiar others. For instance, by being an engaged citizen, empowered to participate in collectively binding decision-making processes, individuals at the minimum benefit from the experience of direct democracy by: (1) the learning that occurs through exposure to expert knowledge throughout the preparation and deliberation phases; (2) the listening skills they develop as they process the arguments presented for or against a proposed policy during the deliberative phase, which in turn enlarges the participants understanding of the issue and the lived experiences of others; and (3) the possibility for improved influential engagements with familiar others before and after participating in an assembly, as being participants better equips these citizens to support their positions persuasively through the focused learning they glean from the expert knowledge made available and experiential understanding gained through their direct

⁷³ Arendt, *The Portable Hannah Arendt*, 448.

⁷⁴ Behrouzi, *Democracy as the Political Empowerment of the Citizen*, 158.

participation. In addition, throughout the process an introvert can discuss the subject they are to assist in deciding with those others with whom they are comfortable.

To act in the public realm politically, no matter one's level of communication apprehension involves the virtue of courage. Being empowered to engage in collectively binding decision-making processes that will affect the good of one's community, which "existed before us and is meant to outlast our lives in it," requires "by the very nature of the public realm," according to Arendt, a citizen who pushes through one's personal fear and worry.⁷⁵ For individuals who experience elevated apprehension through their participation as a citizen their engagement requires an act of courage. Courage is also needed for an extrovert to appear before one's community to publically propose a solution to a public problem, which exposes him or her to "the widest possible publicity"⁷⁶ and consequently means that s/he risks his or her own reputation in speaking. With "the world at stake,"⁷⁷ the cost of citizenship in democracy obliges citizens, those affected by public decisions that lead to public acts which respond to public problems, to fulfill their duty and roles by contributing the knowledge they have gained through their lived experiences. Acting in an assembly requires all types of individuals who can enact differing roles and ultimately strengthen the decision-making process through their own unique life experiences and learning. As a consequence, both introverts and extroverts are necessary and significant for arriving at collective decisions most likely to lead to a satisfactory end. By making the process meaningful through providing institutional space

⁷⁵ Arendt, *The Portable Hannah Arendt*, 448.

⁷⁶ Arendt, *The Portable Hannah Arendt*, 199.

⁷⁷ Arendt, *The Portable Hannah Arendt*, 199.

for all citizens, introverts and extroverts, to enact their power to self-rule through one participatory means or another, will only serve to strengthen, not only the democratic experience and governance, but also each community member's courage to be and act as citizens.

Difference Necessitates a Place for Public Appearance

When you are with Athenians, it's easy to praise Athenians, but not when you are with Lacedaemonians.

—Kenneth Burke, *A Rhetoric of Motives*

The ethical critique concerning exclusion centers on the constricted scope of citizenship found in direct democracies like ancient Athens. A simple response is that while contemporary democracies “are more generous and respectful”⁷⁸ when judged according to contemporary values of inclusivity, this argument is “counterproductive” as a means to invalidate the benefits of direct democracy⁷⁹ since the very American constitutional securities honored by most and “fundamental to modern democracy,” as Josiah Ober argues, would suffer under this critique as they too were composed prior to the “abolition of slavery and women's suffrage.”⁸⁰ Robert Dahl notes, “only two ‘democratic’ countries – New Zealand and Australia – had extended the suffrage to

⁷⁸ Joshua Miller, “Direct Democracy and the Puritan Theory of Membership,” *Journal of Politics* 53, no. 1 (February 1991): 69.

⁷⁹ Josiah Ober, “What the Ancient Greeks Can Tell Us About Democracy,” *Annual Review of Political Science* 11, no. 1 (June 2008): 71.

⁸⁰ Ober, “What the Ancient Greeks Can Tell Us About Democracy,” 71.

woman in national elections before the 1920s.”⁸¹ The value of full inclusivity, which still allows for limited exclusions, has been a very recent political development.⁸² As such, exclusions to citizenships, from Athens to America, are based on societal and political norms that are generative of determinations for the legal statuses that define a citizen. How narrow or broad citizenship is constructed then is not predicated on the system of governance, but on the societal values that drive its framing.

The more potentially potent argument, derived from the exclusivity of Athenian direct democracy, is that by restricting who is empowered to participate in governance its decisional space is made more agonal due to its homogeneity and therefore making it less functional for a heterogeneous society. In an agonal political arena, homologous citizens, sharing similar “morals,” aspire to “excellence” as they appear among “peers” to “compet[e] for recognition, precedence and acclaim.”⁸³ In the “essentially porous” and plural nature of today’s political context the “public space”⁸⁴ seems to be more heterogeneous than the public space in which the direct democracies of the past thrived. In a heterogeneous political context, instead of seeking excellence, actors pursue victory for their private interests or the consolidation of their support base.

Consideration of Athens’ homogeneity is based on their cultural similarity, which served as a common ground for facilitating the formulation of satisfying solutions to

⁸¹ Robert A. Dahl, *On Political Equality* (New Haven: Yale University Press, 2006), 21.

⁸² Dahl, *On Political Equality*, 21.

⁸³ Benhabib, *Situating the Self*, 93-94.

⁸⁴ Benhabib, *Situating the Self*, 94.

address public problems. While Athens did exclude “the majority of the population – women, slaves, and resident aliens,” it could not really be classified as homologous – sharing similar characteristics, perspectives, and principles– as its public space for political decision-making was accepting and productive of difference. For instance, Athens incorporated difference through the varied economic standing of its actual participators. This means that the property exclusion that largely defined American criteria for citizenship at its founding, which was thought to ensure the values influential within the collectively binding decision-making process, were non-existent.⁸⁵ Plato gives a glimpse into the diversity of the Athenian Assembly, writing that “a builder or equally well a blacksmith or a shoemaker, merchant or ship owner, rich or poor, of good family or none”⁸⁶ all participated in addressing their fellow citizens and in deciding solutions to public problems. Each standpoint, representative of differing societal groups, as will be argued later, is productive of distinct perspectives. Athenians believed that all citizens, no matter their means of livelihood were “competent to make political judgments.”⁸⁷ Considering the previous response alongside the fact that ten percent or more of the Athenian population⁸⁸ was empowered as citizens who could truly influence the agenda-setting, policy making and administration of the polity and that an assembly generally

⁸⁵ Wood, *Democracy*, 60.

⁸⁶ Plato, “Protagoras,” in *The Collected Dialogues of Plato: Including the Letters*, eds. Edith Hamilton and Huntington Cairns, trans. W. K. C. Guthrie (Princeton: Princeton University Press, 1961), 317.

⁸⁷ Wood, *Democracy*, 78-79.

⁸⁸ John Thorley, *Athenian Democracy* (London: Routledge, 1996), 77.

contained upwards of six thousand plus decision-makers for each round of collectively binding decisions made⁸⁹ the homogeneity argument loses much of its strength.⁹⁰

Heterogeneity, even more than homogeneity, necessitates the “associational” space afforded by democracy so that the citizenry can congregate publically with their differences to participate in a way productive of power, freedom and transformation.⁹¹ The problem is that one space, considered to be predominately similar, is where difference is allowed to flourish and made productive through engaged participation and the other space features difference that drives a perceived need to secure public, political decision-making from the possible volatility of the citizenry, arising from their conflicting private interests. “All human activities,” Arendt reminds, “are conditioned by the fact that men live together”⁹² and yet when a citizenry is allowed to develop public *opinions* in private, within their private circles, there is a tendency for them to only bring their private “moods”⁹³ or interests to bear on public problems. By “ventur[ing] into the public realm,” that the engaged participation of direct democracy provides, “one exposes oneself to the light of the public.”⁹⁴ In such an arena, the pressure of public exposure

⁸⁹ Mogens Hermann Hansen, “Democracy as an Ideology,” in *Athenian Democracy and Imperialism*, ed. Loren J. Samons II, (Boston: Houghton Mifflin, 1998), 79; Chester G. Starr, *The Birth of Athenian Democracy: The assembly in the fifth century B.C.* (New York: Oxford University Press, 1990), 52.

⁹⁰ Carolyn R. Miller, “The Polis as Rhetorical Community,” *Rhetorica: A Journal of the History of Rhetoric* 11, no. 3 (Summer 1993): 239.

⁹¹ Benhabib, *Situating the Self*, 93.

⁹² Arendt, *The Portable Hannah Arendt*, 182.

⁹³ Arendt, *The Portable Hannah Arendt*, 525.

pushes one to justify his or her private interests. John Stuart Mill argues that “the participation of the private citizen ... in public functions” moves one

to weigh interest not his own; to be guided, in case of conflicting claims, by another rule than his private partialities; to apply, at every turn, principles and maxims which have for their reason of existence the common good.⁹⁵

When a citizen transitions out of the private realm into the public realm to present his or her claims, s/he “is made to feel himself one of the public, and whatever is for their benefit to be for his benefit.”⁹⁶ An environment that fosters ongoing “active exposure to public forms of deliberation” in which one’s reputation is risked, Nieuwenburg claims, “may sustain a sincere concern for the common good.”⁹⁷ Individuals who have to appear in public, with other citizens, to deliberate over common public concerns, are motivated to transform their appeals supporting their proposals from private interests into public ones to which the public will respond.

Such a political space can only be found in democratic institutions inclusive of a citizenry who are equally empowered and free to fully act in the creation of public policies. Building from Arendt’s contention that, “freedom always implies freedom of dissent,”⁹⁸ it could be proposed that a political space that values freedom is also a space that is productive of substantial political difference. One only has to peruse the debates

⁹⁴ Arendt, *The Portable Hannah Arendt*, 21.

⁹⁵ John Stuart Mill, *On Liberty and Other Essays*, ed. John Gray (Oxford: Oxford University Press, 2008), 255.

⁹⁶ Mill, *On Liberty and Other Essays*, 255.

⁹⁷ Paul Nieuwenburg, “Learning to Deliberate: Aristotle on Truthfulness and Public Deliberation,” *Political Theory* 32, no. 4 (August 2004): 462.

⁹⁸ Hannah Arendt, *Crises of the Republic* (New York: Harcourt Brace Jovanovich, 1972), 221.

that transpired in the Athenian Assembly over the course of its history to appreciate its lack of homogeneity during its deliberations and its accommodation of difference.

Democracies whose citizens are not empowered to act upon public problems within a public decisional space are the ones in which its constituents typically “have... lost much of their power”⁹⁹ and suffer a deficit of participation. Consequently, a porous and plural democracy needs, not only an associational arena, but also an agonal one where the democratic practice of an empowered, inclusive citizenry actualizes freedom through their pursuit of common goods, mutuality, and provisional collectively binding decisions.

Democratic Dangers: Athenian Judgment Nearly Gone Awry

Give people some significant power and they will quickly appreciate the need for knowledge, but foist knowledge on them without giving them responsibility and they will display only indifference.

—Benjamin Barber, *Strong Democracy: Participatory Politics for a New Age*

An initial reply to the concern regarding poor decisions and justifications acknowledges that history is replete with governments of all dispositions and forms making unjust decisions based on faulty reasoning. A more productive response, counters the reasoning the critique is based on. Opponents of direct democracy argue that citizens should submit to a protective guardianship of individuals who have superior deliberative capacities and knowledge even though such a political arrangement voids the people’s individual equality, liberty and power. In addition to depriving the people of their inalienable rights for self-rule, this argument does not fully appreciate the value of situated reasoning and judgment required in the decisional process that governance

⁹⁹ Wood, *Democracy*, 60.

entails. Instead it contends that since the decisions made through public deliberations based on a lack of or low quality knowledge and resulting in those decisions likely being judged as being unjust, governance should be relegated to those citizens deemed to have superior knowledge. A rebuttal of this critique begins with an examination of a particular instance found in the history of Athens' Assembly.

During the Peloponnesian War between the Spartans and Athenians, a dire judgment was arrived at by the Athenians concerning a rogue ally. The story originates with a sentence of death; a sentence that had to be a heavy weight to carry. It had to be even more so since the messengers had to row a warship, or trireme, one hundred and eighty-five miles to deliver the orders¹⁰⁰. After the Athenians suppressed the elite led Mytilenaeen rebellion on the island of Lesbos the citizens of Athens assembled to decide the fate of the rebels. With "6,000 to 7,000 voters crammed onto the rocky Pnyx"¹⁰¹ the Athenians decided "in their state of anger" to kill "every adult male ...and to enslave the children and women"¹⁰² of Mytilene. Once the decision was arrived at the trireme was launched to deliver the verdict.

Thucydides' account of these events does not end there, as the very next day the Athenians hesitated in their decision. Once the popular sentiment of the people was known, another Assembly was held in which their previous collectively binding decision

¹⁰⁰ John R. Hale, *Lords of the Sea: The Epic Story of the Athenian Navy and the Birth of Democracy* (New York: Viking, 2009), 173.

¹⁰¹ Victor D. Hanson, *A War Like No Other: How the Athenians and Spartans Fought the Peloponnesian War* (New York: Random House, 2005), 241.

¹⁰² Thucydides, *The Peloponnesian War*, trans. Martin Hammond (Oxford: Oxford University Press, 2009), 150.

was debated. In the end the Athenians, listening to the arguments of Diodotus, decided to rescind the previous day's verdict and order, mandating that the general populace of Mytilene was to be spared.¹⁰³ Rowing day and night, rotating their eating and sleeping along the way, a second Athenian trireme arrived at Mytilene just in time to avert "the slaughter."¹⁰⁴ The initial decision is the very type of unjust outcome, arrived at through a knowledge deficit, that demonstrates the concerns opponents raise to dismiss the self-rule of the people. The answer to the critique though is also found, in part, here as well.

During his speech, Diodotus, argued:

I have no criticism of those who have *proposed a review of our decision* about the Mytilenaens, and no sympathy with those who object to *multiple debates on issues* of major importance. ... Anyone who contends that words should not be the school of action is either a fool or an interested party – a fool, if he thinks there can be any other way of *elucidating a future which is not self-evident*.¹⁰⁵

In this portion of his speech he defends the people's prudence in calling for a second Assembly to revisit the previous day's decision. His opposition, voiced by Cleon, desirous of the execution order being carried out, attempted first to challenge the wisdom of even meeting again. Out of Diodotus' rebuttal to this opposition emerged three means for responding to the current critique that the people are not knowledgeable enough to rule. In his words they are:

1. elucidating a future which is not self-evident
2. multiple debates on issues
3. proposed ... review of ... [a] decision

¹⁰³ Thucydides, *The Peloponnesian War*, 153.

¹⁰⁴ Thucydides, *The Peloponnesian War*, 154.

¹⁰⁵ Thucydides, *The Peloponnesian War*, 150 [emphasis added].

or in contemporary terms

1. decision-makers need superior knowledge to account for the contingency of the future
2. collectively binding decisions are provisional
3. decisions are subjected to oversight by an umpire body

The fact is that every system of governance has to demonstrate that the knowledge it draws from is sufficient for making just and effective or satisfactory decisions. It is only in direct democracy that the citizenry actually provides the knowledge that guides decisions about what will best serve their own collective interests and common good. It is also, in part, through superior knowledge known and constituted by the people that their right to govern themselves is justified.

The People as a Repository of Superior Knowledge

For the many, of whom each individual is but an ordinary person, when they meet together may very likely be better than the few good, if regarded not individually but collectively, just as a feast to which many contribute is better than a dinner provided out of a single purse.

—Aristotle, *Politics*

While governance involves the execution of collectively binding decisions and a process for determining whether or not those decisions are just, its central function is found in deliberation and legislation of collective actions that end in societal goods. As the ancient Athenians knew, the legislation leading to cooperative acts is not grounded in certainty, but probability, since human knowledge is unable to guarantee future outcomes. The best that the citizenry can hope to obtain through its collectively binding decision-making process are judgments, productive of decisions that adhere to a morality of justice and result in the desired ends. In spite of its inadequacy, it is knowledge that

provides the resources upon which the decision-making process of governance is dependent. To possess superior knowledge would allow one to account for the widest range of variables impinging upon a public problem in order to guide the decision-making process to a policy that would most likely produce a just and satisfactory collectively binding decision. Consequently, a claim emerges that those citizens endowed with superior knowledge should be afforded an authoritative position within the creation of collectively binding decisions; a claim to which democracy responds with the collected, distributive knowledge of the people.

The debate between Cleon and Diodotus provides a historical reference, from which to judge if it is possible for a people, as citizens, to meet the knowledge requirements for governing well. Gathered together, the Athenians made a judgment, not about the guilt of the Mylitenes, for that was confirmed through the act of rebellion, but about what course of action they should take in response to best secure their continuing preeminence and ability to rule over their empire. After the decision was initially made, the resolve of their anger faded and they were faced with a decision that had not adequately weighed possible future consequences resulting from such ill-treatment of an ally lead into revolt by a few. In effect, they awoke to the realization and concern that, as Benjamin Barber claims, collectively binding decisions address “those realms where truth is not – or is not yet – known”¹⁰⁶ in that they had not deliberated sufficiently to project how this public action would be interpreted across their empire. Their deliberations then needed to evaluate not only their own State’s instrumental capabilities but also which means would most likely result in a desirable end, productive of their common good. The

¹⁰⁶ Barber, *Strong Democracy*, 129.

quality of their reasoning together and their judgments depended upon their knowledge of both their means and what the citizenry would accept as a satisfactory end. It is this need for knowledge necessary for arriving at just political judgments that drives the anti-democratic concern and critique about whether or not the citizenry has the requisite knowledge to make such judgments. Without this knowledge the self-rule of the people in general cannot be justified.

The “anti-democratic” claim, that the one or few possess superior knowledge “relevant to all spheres of activity which make up the larger political sphere of a society,” fuels the critique that select individuals, acting as society’s guardians, are the only ones who “should rule.”¹⁰⁷ In support of this argument some advocates for a system of governance other than democracy fashion their critique too strongly and thus open it up to a simple response. For instance, when Amy Gutmann and Dennis Thompson argue that a “direct assembly” might not produce the “best laws,” “public policies” or “deliberative justifications”¹⁰⁸ their contention is undeniable, simply because it is true that any collectively binding decision-making body is susceptible to such errors. The question really centers on if the people actually possess the political knowledge collectively binding decision-making requires so that, as Thomas Cronin argues, “the quality of our laws and constitutions ... [do not] suffer.”¹⁰⁹ Without knowing the necessary requisite information, having focused attention and demonstrating a capacity to “understand [the]

¹⁰⁷ Michael Saward, *The Terms of Democracy* (Cambridge, UK: Polity Press, 1998), 29.

¹⁰⁸ Gutmann and Thompson, *Why Deliberative Democracy?* 31.

¹⁰⁹ Thomas E. Cronin, *Direct Democracy: The Politics of Initiative, Referendum, and Recall* (Cambridge, MA: Harvard University Press, 1999), 61.

technical issues” involved, too many of the citizenry would “simply be confused”¹¹⁰ to generate quality decisions.

In addressing this criticism, Michael Saward argues that the knowledge necessary for producing quality collectively binding decisions “requires a mix” of superior “knowledge of both means and ends”¹¹¹ or what he refers to as *contingent* and *non-contingent knowledge*. When proposals to remedy a public problem are innovative, before making a collectively binding decision the participants need to know if the differing proposals can feasibly be attained. On the other hand proposals founded on existing solutions can potentially lead to further decisions about the best means to bring those proposals to fruition. In both cases, “contingent superior knowledge,” which concerns the “technical means to a given end,”¹¹² is necessary. In the instance of the Athenian’s first ruling on the Mytilenaeen insurrection the Assembly might have requested deliberation about the best means to deliver the order, how to carry out the execution order and who would sell the women and children and profit from the transaction. Or perhaps, the trierarchs –captains– of several triremes might have been called in, to provide the Assembly with the information needed for the citizens to make a determination as to which ship and crew was most prepared and rested to undertake the arduous task of speedily rowing to Mytilene in order to rescind the decree of execution and slavery. As captains of their own ships their specific and specialized expertise could inform the Athenian Assembly of the likely success or failure of the new decree reaching

¹¹⁰ Cronin, *Direct Democracy*, 61.

¹¹¹ Saward, *The Terms of Democracy*, 26.

¹¹² Saward, *The Terms of Democracy*, 26.

Mytilene in time. Consequently, an individual with *contingent superior knowledge* has expertise in a particular field of specialization, affording its possessor a level of authority to posit whether or not an end is achievable. Expertise, limited to a particular field, then allows one to “only make limited claims”¹¹³ regarding “what is the most effective way to realize [a] particular goal.”¹¹⁴ In other words, an individual with *superior contingent knowledge* realistically can only authoritatively advise an assembly regarding the “limited sphere of conduct” in which his or her “body of knowledge is appropriate.”¹¹⁵ Superior knowledge that is contingent upon technical expertise then “is widely accepted and acceptable” when restricted to “how to achieve a certain state of affairs that are given as desirable,”¹¹⁶ but is not sufficient to wrest away from the people their power for self-rule.

Beyond the inadequacy that the limitations of specialization creates for *superior contingent knowledge*, Kenneth Burke, notes that the motives of technical experts provides an impediment to any claim that they could provide a primary basis for collectively binding decisions.¹¹⁷ Concerned with how to accomplish a task an expert is not motivated to consider how the accomplishment will be a “*participant in a wider contexts of motives*.”¹¹⁸ The “morality” of a “technical expert requires only that he apply himself to his task as effectively as possible” without regard as to “what the new force

¹¹³ Saward, *The Terms of Democracy*, 27.

¹¹⁴ Saward, *The Terms of Democracy*, 26.

¹¹⁵ Saward, *The Terms of Democracy*, 27.

¹¹⁶ Saward, *The Terms of Democracy*, 27.

¹¹⁷ Saward, *The Terms of Democracy*, 27.

¹¹⁸ Burke, *The Rhetoric of Motives*, 31.

might mean, as released into a social texture emotionally and intellectually.”¹¹⁹ Even when the affect on a particular social texture is considered, the depths of a technical expert’s inquiry likely will extend only so far as to develop reasoning that justify the endeavor. Still lacking would be an investigation into how the implications of a pursued end would infiltrate and link to the lives and livelihood of others within society and beyond. In other words, these experts seek to complete tasks without asking how the outcome relates to and impacts societal members in general. So while collectively binding decisions typically warrant inclusion of *superior contingent knowledge* for ascertaining the means to an innovative end or the application of a previously employed end to a new context it is not the primary knowledge necessary for governance.

In linking collectively binding decisions to the morality of motives Burke provides a window into the knowledge upon which the decision-making process in governance –the political arena of the public realm– fundamentally rests. Political decisions, involve, as Mark Warren contends, “factual issues [that] are intermingled with normative and expressive issues,”¹²⁰ and therefore should be informed by *contingent knowledge*, but ultimately are formed through what Saward calls *non-contingent knowledge*. This knowledge, according to Benjamin Barber, flows out of a particular “context of history and experience” that provides the ground from which decisions about

¹¹⁹ Burke, *The Rhetoric of Motives*, 30.

¹²⁰ Mark Warren, “Deliberative Democracy,” in *Democratic Theory Today: Challenges for the 21st Century.*, eds. April Carter and Geoffrey Stokes (Malden, MA: Polity Press, 2002), 193.

“a future realm of common action”¹²¹ are made. Saward frames this knowledge as “a type of moral knowledge” that identifies “the right end to pursue.”¹²² Morality is implicated in public problems, for they pose public questions about what end has the greatest potential to actualize the community good –what is the good for the community.

The debate between Diodotus and Cleon during the second Assembly, over the fate of the Mytilenaeans, demonstrates the differing moral ground that formed their respective opposing interests and arguments. Cleon, concerned that to change course would “display a weakness which spells danger,” held that the true and good principles to follow were of “domination based on force”¹²³ and retributive justice based on “vengeance.”¹²⁴ Certainly Cleon shared Diodotus’ motivation to formulate a path that resulted in “the good of [the] ... city” being realized, but Diodotus desired to achieve the Athenian’s “future security” through an “opposite conclusion” that maximized their “practical advantage.”¹²⁵ For Diodotus a policy that punished rebels, whether they surrender early or late, with such a penalty would only strengthen the resolve of any future revolutionaries. With no hope of mercy, they would “make thorough preparations” and “hold out to the very last under siege.”¹²⁶ In doing so, the Athenians’ financial expenditures would increase due to the extended reclamation campaign, their victory

¹²¹ Barber, *Strong Democracy*, 169.

¹²² Saward, *The Terms of Democracy*, 26.

¹²³ Thucydides, *The Peloponnesian War*, 146.

¹²⁴ Thucydides, *The Peloponnesian War*, 149.

¹²⁵ Thucydides, *The Peloponnesian War*, 151.

¹²⁶ Thucydides, *The Peloponnesian War*, 152.

would return a vanquished and “ruined city” and as such they would “los[e] all subsequent revenue from”¹²⁷ future reparations and tribute its people would have provided. Further, Diodotus argued that by judging the innocent –the common people– the same as the guilty –the oligarchy– the Athenians would force common people to wholeheartedly embrace elite led rebellions as their only hope for survival.¹²⁸ Preservation of financial solvency and the utility of “tolerat[ing] injustice”¹²⁹ to secure future strategic ends provided the moral grounds upon which he built his arguments that supported a reprieve for the common people of Mytilene. These “moral choices,”¹³⁰ expressed through the judgments and arguments of Cleon and Diodotus, are reflective, as well as productive, of their conflicting interests.

While a citizenry typically shares in a common cultural context their lived experiences facilitate different shades of morality and interests “dependent upon [their] social understandings” and “social *interests*.”¹³¹ These interests, Saward suggests, are constituted and vary according to societal members’ “distinct sphere[s] of activity.”¹³² Each individual, never occupying just a single *sphere*, exhibiting “a bundle of

¹²⁷ Thucydides, *The Peloponnesian War*, 152.

¹²⁸ Thucydides, *The Peloponnesian War*, 153.

¹²⁹ Thucydides, *The Peloponnesian War*, 153.

¹³⁰ Saward, *The Terms of Democracy*, 27.

¹³¹ Saward, *The Terms of Democracy*, 28.

¹³² Saward, *The Terms of Democracy*, 28.

overlapping and sometimes conflicting concerns,”¹³³ put under the necessity of choice negotiates his or her interlocking interests in order to judge which should be privileged in the decision-making process. The importance and necessity of this insight is captured in Montaigne’s aphorism that “the birth, increase, and augmentation of every thing, is the alteration and corruption of another.”¹³⁴ In other words, public decisions commit societal resources and obligate its members to particular collective actions, directing those resources and members away from their other interests and potentialities. A collectively binding decision institutionalizes through choice, action and the application of community resources certain interests, privileging and validating them over others. Those interests passed over therefore are deemed less significant in the particular instance and possibly for future public problems. Consequently, the knowledge required to make and justify a collectively binding decision needs to account for the varied interests of society’s distinct *spheres*, the individual processes that influence interest selection and relevant technical expertise.

The finite knowledge of a person, even those with superior capacities, is not able to sufficiently comprehend the breadth of perspectives encompassed by citizens to justify ruling over or in place of the people. A single individual’s knowledge of the “world in its full reality” is inadequate since “the world only shows and reveals itself” through a

¹³³ Saward, *The Terms of Democracy*, 30.

¹³⁴ Michel de Montaigne, *The Essayes of Montaigne*, trans. John Florio (New York: The Modern Library, n.d.), 73.

“standpoint” that “corresponds to” and “determine[s]” his or her “perspective.”¹³⁵

Knowledge of the world, Arendt contends, begins with a recognition that it is:

something shared by many people, lies between them, separates and links them, showing itself differently to each and comprehensible only to the extent that many people can talk about it and exchange their opinions and perspectives with one another, over against one another.¹³⁶

The world as constituted and construed through the complexity of human *spheres of activities* and individual standpoints then is a phenomenon that stands against the capacity of an individual or a select few to know what a citizenry will deem as an appropriate end that addresses even a particular public problem. As a result, without this knowledge the rule of the one or the few cannot be justified. It is only the citizens, collectively constituting the *non-contingent knowledge* of appropriate ends necessary to judge between conflicting proposals for collectively binding decisions, deliberating concurrently together, who are endowed with means to most effectively rule justly.¹³⁷

Not only are the people, collectively deliberating, the only true source for superior *non-contingent knowledge*, but it is through their empowered engagement in the collectively binding decision-making process that the quality of *contingent* and *non-contingent knowledge* is enhanced. Regarding *contingent knowledge*, technical expertise about advocated means is furthered when users can relate their experience with similar previous endeavors or their perspectives on the functionality of innovative proposals. Aristotle argued this point persuasively through three simple examples:

¹³⁵ Hannah Arendt, *The Promise of Politics*, ed. Jerome Kohn (New York: Schocken Books, 2005), 128.

¹³⁶ Arendt, *The Promise of Politics*, 128.

¹³⁷ Saward, *The Terms of Democracy*, 30.

the knowledge of the house is not limited to the builder only; the user ... of the house will even be a better judge than the builder, just as the pilot will judge better of a rudder than the carpenter, and the guest will judge better of a feast than the cook.¹³⁸

To extend Aristotle's insight through the contribution of Burke, previously noted, a technical expert can become focused on making an innovation functional within the narrow parameters of its operative design without considering its applicability once put into play in a context that can include instruments, variables, or uses outside its posited constraints. Citizens, who have to live through the means gestating the end and the end once birthed, in democracy are empowered to convey to those with *superior contingent knowledge* how, when, and where their means might suffer from an oversight or a lack of contextual knowledge.

Both *contingent* and *non-contingent knowledge* are strengthened through the empowered participation of the citizenry due to the flattening of the political power hierarchy. In a democratic assembly individual citizens are equal peers in regards to their rights, responsibilities and privileges. Warren argues that when an institutional design employs a multilayered hierarchy in which greater power is held by those individuals in privileged positions "the incentive for subordinates to use their information strategically"¹³⁹ is intensified. In equalizing the power relations between citizens, democracy "encourage[s] cooperative relations" and "enhances flows of *reliable information*."¹⁴⁰ With the advantage of withholding relevant information mitigated decision-makers, confronted with a public problem, necessitating a public response

¹³⁸ Aristotle, *Politics*, trans. Benjamin Jowett (Mineola, NY: Dover Publications, 2000), 124.

¹³⁹ Warren, *Deliberative Democracy*, 194.

¹⁴⁰ Warren, *Deliberative Democracy*, 194.

through collective, cooperative behaviors will be more likely to make collectively binding decisions that reflect the full extent of the collective knowledge existent within the actual, affected community.

The *non-contingent knowledge* of the people, expressive of multiple perspectives revealed through their “speaking with one another”¹⁴¹ strengthens the decision-making process. At a practical level, the space of a democratic assembly in which participants are allowed to freely express and exchange information, Warren states, “can serve” as a place “to pool information, and pooled information should result in better decisions.”¹⁴² Even more significant, Arendt argues, is that through addressing others *over against one another* “the world ... emerge[s]”¹⁴³ as individuals conceive of their embedded experiences; thereby revealing, constituting and transforming their knowledge of a particular context. By publicizing one’s knowledge and interests about a particular problem, citizens who operate from a differing *sphere of activity* add to their understanding of the world in general and the affects of a current or proposed collectively binding decision. Additionally, if knowledge is authored in a past then and there to be applied to a future then and there and that knowledge is not commonly known, it is through the process of talking publically –turning focused attention on to an unattended then and there– that calls forth the knowledge and transforms it into an attended to here and now. In talking to others knowledge of the world does emerge for its participants and as it emerges empowered citizens can (re)shape it through their communication and the

¹⁴¹ Arendt, *The Promise of Politics*, 128.

¹⁴² Warren, *Deliberative Democracy*, 194.

¹⁴³ Arendt, *The Promise of Politics*, 128.

collective acts that they sanction. Consequently, what is deemed an appropriate end to a particular, public problem is not just known more thoroughly by the people; knowledge about just and sufficient means and ends is generated through their coming together to talk as empowered citizens.

The dynamic nature of collectively binding decisions that address public problems through future cooperative acts are best informed by the knowledge of the people. Yet even in a democracy that empowers the people as citizens for self-rule cannot draw upon sufficient knowledge to guarantee future outcomes. As Thomas Jefferson claimed, the people cannot “be all, and always, well informed.”¹⁴⁴ To ensure the capacity of the people to make good decisions and correct poor ones that led to negative outcomes Jefferson argued that the people simply needed to be “inform[ed] of their discretion by education.”¹⁴⁵ The best means of educating the citizenry for any knowledge they lack about a particular problem or concerning governance in general is best supplied through actual participation in the decision-making process. For Jefferson there was no substitute for actual engaged participation, as he noted that for himself “forty years of experience in government [was] worth a century of book-reading.”¹⁴⁶ Experience teaches participants what they should and need to know, allowing them to focus their attention and concern on areas that will yield productive results and while avoiding wasteful diversions. By including the citizenry in the *sphere of activity* of self-rule, following Saward and Burke,

¹⁴⁴ Jefferson, *Thomas Jefferson: Writings*, 911.

¹⁴⁵ Thomas Jefferson, *Thomas Jefferson on Democracy*, ed. Saul K. Padover (Mentor Books, 1939), at p. 90.

¹⁴⁶ Jefferson, *Thomas Jefferson: Writings*, 1401.

their interests and motives will change to include a pursuit of knowledge relevant for engaged participation as well. Benjamin Barber makes this claim, stating that “knowledge and the quest for knowledge tend to follow rather than precede political engagement.”¹⁴⁷ Therefore the best way to educate the people, in matters even in which their knowledge is lacking, is through their empowered and engaged participation in actually making collectively binding decisions.

Without the public, political space necessitated by direct democracy there should be no surprise in the people’s indifference and knowledge deficit. This claim is not new or novel, for even Plato, a witness of the Athenian Assembly, argued that “the soul acquires knowledge and is kept going and improved by learning and practice” and that through “inactivity, dullness, and neglect of exercise, it learns nothing and forgets what it has learned.”¹⁴⁸ The ignorance of the people then is not a deficit that empowers the few to wrest governance away from the people, but indicates a deficit by the government in the discharge of its duties to ensure the public good.¹⁴⁹ Governing society requires knowledge of the means (*contingent*) and ends (*non-contingent*) to justly and satisfactorily address public problems. This knowledge can be either acquired by the people through consultation with those who have relevant, specialized expertise or is constituted, secured and applied most thoroughly when the collected, distributive knowledge (*non-contingent*) of the people emerges through a collectively binding

¹⁴⁷ Barber, *Strong Democracy*, 234.

¹⁴⁸ Plato, “Theaetetus,” in *The Collected Dialogues of Plato: Including the Letters*, eds. Edith Hamilton and Huntington Cairns (Princeton: Princeton University Press, 1961), 858.

¹⁴⁹ Jefferson, *Thomas Jefferson on Democracy*, 90.

decision-making process. When the people are empowered to self-rule they are motivated to be well informed and when well informed, Jefferson argued, “they can be trusted with their own government; that, whenever things get so far wrong as to attract their notice, they may be relied on to set them to rights.”¹⁵⁰ Consequently, it is the knowledge of the people that is sufficient for self-rule and arguments that contend that the one or the few have superior knowledge, which should elevate their authority within the governance of society, are arguments that are ultimately meant to only maintain the rule of the one or the few over the many.

The Impermanency of Democratic Decisions

Democracy is for the living, and the living are always democratically empowered to change their founding democratic constitution.

—Benjamin Barber, *Strong Democracy: Participatory Politics for a New Age*

Another justification for direct democracy is that the collectively binding decisions making process of an assembly that generates policies are or should be considered provisional. Extolling the merits of democracy, Josiah Ober, pointed out that “among democracy’s virtues is revisability – the potential of the political regime to rethink and to reform itself.”¹⁵¹ For instance, due to the dynamic nature of political contexts, a decision reached through deliberation that was justifiable at one point in time might lose it backing in the future or might be deemed untenable and unjust once

¹⁵⁰ Jefferson, *Thomas Jefferson on Democracy*, 88.

¹⁵¹ Josiah Ober, “How to Criticize Democracy in Late Fifth- and Fourth-Century Athens,” in *Athenian Political Thought and the Reconstruction of American Democracy*, eds. J. Peter Euben, John R. Wallach, and Josiah Ober (Ithaca: Cornell University Press, 1994), 149.

enacted.¹⁵² The story about Mytilene portrays this need well when the Athenians, recognizing the weight of their previous decision, choose to revisit its value. Certainly, the “aim” of an assembly’s deliberation rightly should be “a justifiable decision”; yet this goal “does not presuppose that the decision ... will in fact be justified.”¹⁵³ In advocating for deliberative democracy, Amy Gutmann and Dennis Thompson, contend that democratic decision-making should be revisable and consequently its moral principles and political policies should be held as provisional.¹⁵⁴

“Provisionality – openness to change over time –”¹⁵⁵ is founded in reasoning that entails two arguments about political policymaking. First, as was highlighted in the response to the criticism about knowledge, political decision-making is imperfect in that it addresses possibilities entangled with future exigencies. Also, due to the conflictual nature of political decision-making most collectively binding decisions are not likely to be consensual and therefore those citizens who advocate for an alternative policy will be “more likely to accept [the ruling] if they believe they have a chance to reverse or modify it in the future.”¹⁵⁶ These two reasons for a provisional principle indicate that a democracy should be both morally provisional in that its principles invite revision in response to new or new interpretations of philosophical insights or empirical

¹⁵² Gutmann and Thompson, *Why Deliberative Democracy?* 57-58.

¹⁵³ Gutmann and Thompson, *Why Deliberative Democracy?* 6.

¹⁵⁴ Gutmann and Thompson, *Why Deliberative Democracy?* 111-112, 116-117.

¹⁵⁵ Gutmann and Thompson, *Why Deliberative Democracy?* 111.

¹⁵⁶ Gutmann and Thompson, *Why Deliberative Democracy?* 6-7.

discoveries¹⁵⁷ and politically provisional since its policies should be “open to actual reconsideration and revision at a future time.”¹⁵⁸ Diodotus assumed both of these claims during his speech before the Athenian Assembly. In his response to Cleon, who advocated for total annihilation claimed “that imperfect laws kept valid give greater strength to a city than good laws unenforced,”¹⁵⁹ he argued that the decree should be revised so as to not “judg[e] the offenders by the strict letter of the law” but by “restrict[ing] the blame [for the rebellion] as narrowly as possible.”¹⁶⁰ In doing so, Diodotus contended for a particular moral interpretation of how to apply the law and for a revision of the resolution to destroy the Mytilenaens.

Ober’s *revisibility* and Gutmann and Thompson’s *provisionality*, reflect what John Dryzek, holds to be “at least part of what it means to be a democrat.”¹⁶¹ He argues that “the practice of effective listening has to be central to any discursive democracy”¹⁶² and through listening to others a democratic citizenry should “be open to challenges of [their] interpretations.”¹⁶³ Democratic deliberation, according to Gutmann and Thompson, much like could be found in an assembly, should engage in an ongoing

¹⁵⁷ Gutmann and Thompson, *Why Deliberative Democracy?* 111.

¹⁵⁸ Gutmann and Thompson, *Why Deliberative Democracy?* 116.

¹⁵⁹ Thucydides, *The Peloponnesian War*, 146.

¹⁶⁰ Thucydides, *The Peloponnesian War*, 154.

¹⁶¹ John Dryzek, *Deliberative Democracy and Beyond: Liberals, Critics, Contestations* (Oxford: Oxford University Press, 2000), 149.

¹⁶² Dryzek, *Deliberative Democracy and Beyond*, 149.

¹⁶³ Dryzek, *Deliberative Democracy and Beyond*, 150.

interaction “in which citizens can criticize previous decisions and move ahead on the basis of the criticism.”¹⁶⁴ In Athens, claims Ober, “the *willingness* to contemplate change may be regarded as an innate characteristic of democratic political culture.”¹⁶⁵ It is upon this “*capacity* for nondestructive political change”¹⁶⁶ that the next response to the criticisms of knowledge and justice rests.

Oversight of Democratic Decisions that is Accountable to the People

And therefore it is of the Law of Nature, That they that are at controversie, submit their Right to the judgement of an Arbitrator.¹⁶⁷

–Thomas Hobbes, *Leviathan or The Matter, Forme, & Power of a Commonwealth Ecclesiasticall or Civill*

If a local assembly’s collectively binding decision is found to be wanting, as demonstrated in the Athenian case, a *higher order of functionary* or a *higher gradation of authority* would be able to determine that the policy should be reconsidered prior to implementation. John Stuart Mill alludes to this contention, using the representative model, when he contended that “experience is daily forcing upon the public a conviction of the necessity of having at least inspectors appointed by the general government, to see

¹⁶⁴ Gutmann and Thompson, *Why Deliberative Democracy?* 6.

¹⁶⁵ Ober, How to Criticize Democracy in Late Fifth- and Fourth-Century Athens, 149.

¹⁶⁶ Ober, How to Criticize Democracy in Late Fifth- and Fourth-Century Athens, 149.

¹⁶⁷ Thomas Hobbes, *Leviathan or The Matter, Forme, & Power of a Commonwealth Ecclesiasticall or Civill* (New York: Barnes & Noble, 2004), 96.

that the local officers do their duty.”¹⁶⁸ The general government or the *greater* republics, in Jeffersonian terms, would therefore serve as an *umpire* for the *elementary* republics.

The idea of the *umpire* is instructive for initiating an instrumental means of constructing a third response to criticism that direct democracy can lead to unjust policies. John Locke claimed:

And thus all private judgement of every particular member being excluded, the community comes to be umpire, by settled standing rules; indifferent, and the same to all parties; and by men having authority from the community, for the execution of those rules, decides all the differences that may happen between any members of that society....¹⁶⁹

Gerald Gaus, drawing from Hobbes, Locke, and Kant¹⁷⁰ posits that when a decision-making process breaks down due to conflicting judgments based on private reasons about a future course (policy), an *umpire* can provide a means to continue forward by applying public reasoning.¹⁷¹ The *umpire*, working from laws established prior to the rendering of a judgment,¹⁷² deliberates on the particular circumstance in order to arrive at a resolution. The parties in conflict accept the umpire’s ruling “as being *in* authority, not *an* authority.”¹⁷³ Consequently, the conflicting parties’ agreement to abide by the *umpire*’s decision does not imply that their private reasoning or belief was not valid in general, but

¹⁶⁸ Mill, *On Liberty and Other Essays*, 421.

¹⁶⁹ John Locke, *Second Treatise of Government: An Essay Concerning the True Original Extent and End of Civil Government*, ed. Richard H. Cox (Wheeling, IL: Harlan Davidson, 1982), 52.

¹⁷⁰ Gerald F. Gaus (1996), *Justificatory Liberalism: An Essay on Epistemology and Political Theory* (New York: Oxford University Press, 1996), 184.

¹⁷¹ Gaus, *Justificatory Liberalism*, 189.

¹⁷² Gaus, *Justificatory Liberalism*, 189.

¹⁷³ Gaus, *Justificatory Liberalism*, 189.

was invalidated in the particular public case.¹⁷⁴ If the members of the community/society begin to suspect that the *umpire* continually makes rulings that seem to not follow the pre-established laws the community can remove the *umpire* from his or her position.¹⁷⁵ While this oversight function of the *umpire*, supposes an individual in the role of “ARBITRATOR,”¹⁷⁶ it does not necessarily have to fall to a single judge.

In the case of the Athenian Assembly’s initial judgment concerning the Mytilenaens there was not necessarily a conventional political body to provide oversight. Instead, after the decision was made and the first trireme was launched, the people acted as an umpire body, calling for the Assembly to reevaluate the deadly decision. The Athenians, acting in accord with their position as an empowered people, reconvened the Assembly so that the decision could be weighed through additional deliberation and debate. Fortunately for the people of Mytilene, the Athenian decision-making process arrived at a different conclusion and the crew of the second trireme was able to deliver the reprieve in time.

In contemporary terms, overlaying the *umpire* model of policy oversight onto Jefferson’s system of republics, a *higher gradation of authority* could also fulfill this function. The higher authority, deliberating on the decision would then determine and publicize why and how the collectively binding decision of the assembly fell short. In addition, if the ruling determined that the policy was unjust, the power vested in the *umpire body* could only send the judgment back to the Assembly for reconsideration.

¹⁷⁴ Gaus, *Justificatory Liberalism*, 188-191.

¹⁷⁵ Gaus, *Justificatory Liberalism*, 189.

¹⁷⁶ Hobbes, *Leviathan*, 96.

These deliberations of the *umpire body* would produce two key benefits. First, the deliberations could serve as intellectual, epistemological and generative resources for the assembly to consider prior to and during the subsequent meeting(s) just as the deliberations of that assembly could have been instructive to members of the *umpire body*. The publicized public reasoning of the *umpire body* could function as a means of expanding the scope of knowledge the assembly considers in its decision-making process, thereby likely acting in a transformative, educational role for the community. In addition, the decision to send back the Assembly's initial policy would make visible the character of the *umpire body's* members and its individual members' interpretation of the law. If an assembly's collectively binding decisions are continually invalidated, the people would have empirical and epistemological evidence that the representatives of the *umpire body* should be returned to the status of common citizen.

Conclusion

Singularly and in total these critiques of direct democracy have exerted a strong influence over considerations of its viability as a means for contemporary governance. For successive generations these criticisms have been employed to deny the people their right to self-rule and preserve the few in positions of power. While the responses provided here offer rebuttals to these arguments further reasoning still needs to be presented to establish the need for incorporation of direct democracy into the institutional structure of contemporary governance. In order to defend what many would consider to be radical conceptual and institutional changes a number of arguments will need to be explicated in the remaining chapters. The arguments presented will outline conceptual

and institutional justifications for what will be referred to as democratic rhetoric and democratic rhetoric.

Dissertation Chapter Summaries

In the following chapter, justifications for authentic democracy are given. For governance to be considered authentic it must recognize and be derived from the nature of human beings and society. In a state of nature individuals live according to the strength of their capacities and inherently enjoy certain liberties. These capacities and liberties can serve to separate and position human beings as opponents through the struggle for status and power. Individual human beings experience a drive to close the space between them through identifications that are made possible through the use of language. Coming together individuals, seeking to secure their own goods and the good life, establishes society, which then must be governed. Laying the foundational characteristics for authentic governance through this line of exploration, it is concluded that authentic democracy is the only form of governance able to meet these criteria.

Chapter Three develops the democratic rhetoric project. Building off of the characteristics of human nature and society the core criteria of authentic governance and democracy is explicated. The foundations of rhetoric are developed with particular attention paid to the process of invention. As a communicative event the nature of symbolic meaning and its architecture are explained through macro-culture as well as through habitus and communication communities is explained. From these insights characteristics of democratic rhetoric are generated, which is then followed by a discussion of its outcomes.

Chapter Four explicates ideology and a method for ideological analysis prior to providing an application to ancient Athenian democratic ideology. Ideology as another level of the cultural meaning system is defined and extended into a method for critical analysis of different cultural phenomena. Ideologies are proposed to be useful as means for distinguishing differences across macro- and micro-cultures. The method is then employed to demarcate the core constructs of ancient Athenian democracy, which is shown to provide a strong connection to the characteristics required by authentic governance.

Chapter Five extends the ideological analysis by investigating the ideology of American governance, particularly at the time of the founders and framers. As the analysis is developed the distinctions from it and authentic governance are highlighted establishing American governance as falling short of authenticity. The veil of democracy, used to legitimize American governance is lifted and critiqued. The discussion then continues and ends by addressing and critiquing contemporary scholarly accounts of democracy.

The final chapter provides a brief review of authentic governance and democratic rhetoric as a means to set up the criteria for the development of a rhetorical democracy. The Athenian material manifestations –practices, performances, institutions, and infrastructures– of their ideology of democracy are then developed as a model for application into the contemporary urban setting. This model is then argued to be a feasible means for providing the people –citizenry– with an authentic means of governance.

CHAPTER TWO: JUSTIFICATIONS FOR AUTHENTIC DEMOCRACY

Man's outstanding characteristic, his distinguishing mark, is ... his work. It is this work, it is the system of human activities, which defines and determines the circle of "humanity." Language, myth, religion, art, science, history are the constituents, the various sectors of this circle.

—Ernst Cassirer, *An Essay on Man: An Introduction to a Philosophy of Human Culture*

Introduction: Justifications for Authentic Democracy

Philosophical musings about what form governance should take is deeply rooted in perspectives about human nature and existence. The importance of this claim is found in the reply of Glaucon to Socrates. Socrates stated that "governments vary as the dispositions of men vary" to which Glaucon replied that "States are as the men are, they grow out of human characters."¹⁷⁷ To effectively govern an individual, knowing his or her nature informs the types of institutional designs necessary. Knowledge of character and its influence is aptly summarized by Michael Sandel:

For to have character is to know that I move in a history I neither summon nor command, which carries consequences nonetheless for my choices and conduct. It draws me closer to some and more distant from others; it makes some aims more appropriate, others less so.¹⁷⁸

¹⁷⁷ Plato, "The Republic," in *The Dialogues of Plato*, vol. 2, trans. B. Jowett (New York: Hearst's International Library, 1941), 293.

¹⁷⁸ Sandel, *The Procedural Republic and the Unencumbered Self*, 90-91.

Present day political philosophers have rich, historical resources to draw upon when they conceptualize the character or nature of human beings. To posit the character of an authentic democracy, it is necessary to develop an understanding of human nature and existence as they relate to society, citizenship, and the decisional process in the public or political realm.

Human Nature and Existence

Thomas Hobbes (1588-1679) and John Locke (1632-1704) articulated a similar ideology about the core of human nature and existence in relation to humanity's aspirations and need for common governance. Their base assumption is reflected in Goethe's poetic phrase: "Yet it is inborn in every man that his feeling should press upward and forward."¹⁷⁹ In the *Leviathan*, Hobbes, contends that prior to common governance humanity exists in a state of nature and in that state, "nature hath made men ... equall, in the faculties of body, and mind."¹⁸⁰ As such when two individuals realize that they both desire the same thing, which cannot be mutually possessed, they end up being adversaries.¹⁸¹ This state of equality imposes upon these two contestants, desirous of the same end, a need to resort to "force, or wiles, to master the persons of all men [so that one] can" in vain attempt "secure himselfe"¹⁸² and possessions. Having a nature, shaped by fear, resulting from an inability to achieve a sense of security in one's person

¹⁷⁹ Johann Wolfgang von Goethe, *Faust, Part I with Part II, Act V*, trans. Bayard Quincy Morgan (Indianapolis: Bobbs-Merrill Company, 1957), 28.

¹⁸⁰ Hobbes, *Leviathan*, 75.

¹⁸¹ Hobbes, *Leviathan*, 76.

¹⁸² Hobbes, *Leviathan*, 76.

and property, human beings become antagonistic, conditioned to be in a state of war.¹⁸³ For Hobbes, this “nature of War” creates an incessant reality that forms within human nature a “known disposition”¹⁸⁴ that is predicated on “the naturall Passions of men.”¹⁸⁵ Under the “continuell feare, and danger of violent death” two facts emerge. First, since the possibility “for Industry” is impractical, the possibilities for “culture”, trade, large scale infrastructure, scientific discovery, an “account of Time”, the “Arts ... Letters ... [and] Society”¹⁸⁶ are void. In addition, without society “nothing can be Unjust” and therefore “the notions of Right and Wrong, Justice and Injustice have ... no place.”¹⁸⁷ To survive, according to Hobbes, the virtues of “Force and Fraud” become virtuous.¹⁸⁸ In turn this inability of human beings who are unable to rise above their equality, fear, and state of war suffer a life that is “solitary, poore, nasty, brutish, and short.”¹⁸⁹ Human nature and existence then is defined by fear, a desire for security, and is malleable to the state one is thrust into by contingency of birth.

Locke posits no less of a dire vision of human nature shaped by the state of nature. Human beings possess “liberty” to pursue “whatsoever [one] thinks fit for the

¹⁸³ Hobbes, *Leviathan*, 77.

¹⁸⁴ Hobbes, *Leviathan*, 77.

¹⁸⁵ Hobbes, *Leviathan*, 105.

¹⁸⁶ Hobbes, *Leviathan*, 77.

¹⁸⁷ Hobbes, *Leviathan*, 78.

¹⁸⁸ Hobbes, *Leviathan*, 78.

¹⁸⁹ Hobbes, *Leviathan*, 77.

preservation of himself and others.”¹⁹⁰ This liberty or “law common to them all” unites humanity into “*one community*,”¹⁹¹ a community that is fractured through the “corruption, and viciousness of degenerate men.”¹⁹² Based on the common law to do as each see *fit*, Locke argues that human beings hold another *liberty*, found in their “power to punish ... crimes committed against that law.”¹⁹³ Human beings, in this account, naturally seek the preservation of their own person and that of affiliated others. When the common law is transgressed, individuals possess the power to remedy the situation through punishing the violator(s). Human nature and existence is found in and the fear of loss of the two liberties: (1) the power to pursue one’s desired ends and (2) the power to punish *degenerates* who violate the first liberty.

While in Locke’s view, nature provides for a primal law that all humanity is subject to and consequently establishes a basis from which to conceive of a notion of just and unjust acts, he still presents a perspective of human nature and existence that overlaps with the one offered by Hobbes. The picture of human nature and existence that both have passed on is one in which human beings, being *equal* and constituting one *community*, formed by the travails rendered in the state of nature and through a want for *security* or the *preservation* of the *liberty* to pursue necessities, are divided from one another driven by *fear* of loss at the hands of competitors or the corrupted. For Locke

¹⁹⁰ Locke, *Second Treatise of Government*, 76.

¹⁹¹ Locke, *Second Treatise of Government*, 76.

¹⁹² Locke, *Second Treatise of Government*, 76-77.

¹⁹³ Locke, *Second Treatise of Government*, 77.

justice is obtained through the power to punish and even though in Hobbes' formulation, (in)justice cannot exist, humanity is ultimately compelled to create a common power in order to establish a means to obtain justice.

A more positive conception of human nature and existence, that reaches back to ancient Athens, challenges the primacy of the one presented by Hobbes and Locke. This tradition, prominently brought forth in the work of Aristotle, also finds representation in the words of Goethe: "it is only in ceaseless activity that man is himself."¹⁹⁴ Blaise Pascal made a similar claim about human nature and existence when he wrote that "our nature consists in movement; absolute rest is death."¹⁹⁵ To what end is this *ceaseless activity* or *movement* oriented toward. For in truth, Goethe and Pascal could be alluding to the dangerous inclinations that Hobbes and Locke claim define human nature and existence and yet the point to focus on is that within human nature there is a proclivity for action.

Through the gift of nature, human beings are "endowed with ... speech" and due to this endowment they "set forth the expedient and inexpedient ... the just and the unjust."¹⁹⁶ Due to this capacity to communicate through language, people can come together to decide upon pursuits that are conceived as advantageous for the individual and common just goods. Upon this reasoning Aristotle claimed that human beings are "a

¹⁹⁴ Goethe, *Faust, Part I* with *Part II, Act V*, 41.

¹⁹⁵ Blaise Pascal, *Pascal Pensées*, trans. A. J. Krailsheimer (New York: Penguin Books, 1995), 211.

¹⁹⁶ Aristotle, *Politics*, 28-29.

political animal.”¹⁹⁷ In other words, human nature and existence, through the power of speech, is oriented towards an active creation of community.

Kenneth Burke seems to follow this line of thought as he constructs his idea of human nature and existence. Humans, overlap fundamentally in that they exist as individuated beings. He argues that due to the “‘principle of individuation’ ... we are born and die one by one, with certain pleasures and pains experienced immediately, bodily, and not identically experienceable by others.”¹⁹⁸ Division “is a universal fact”¹⁹⁹ that for all of humanity originates at conception and “is gradually developed during gestation.”²⁰⁰ Through division humanity experiences physical and cognitive separateness; meaning that one person cannot directly experience another’s sensations²⁰¹ or even transfer one’s own thought through the mediation of communication into the mind of another. In a state of division human beings are, reflecting Aristotle’s metaphysics, dependent on the mediation of their gift of language and speech to narrow the gaps between them. The first definition of human beings then, for Burke, is that they are “*symbol-using animals*.”²⁰² Instead of being driven by fear though, the state of

¹⁹⁷ Aristotle, *Politics*, 28-29.

¹⁹⁸ Kenneth Burke, “The Rhetorical Situation,” in *Communication: Ethical and Moral Issues*, 2nd ed., ed. Lee Thayer (London: Gordon and Breach Science Publishers 1980), 265-266.

¹⁹⁹ Burke, *The Rhetoric of Motives*, 146.

²⁰⁰ Burke, *The Rhetorical Situation*, 265-266.

²⁰¹ Plato, *Theaetetus*, 865.

division and the ability to communicate, provide individuals with a motivation and means to rectify the state of “segregation” through acts of “congregation.”²⁰³ In order to overcome their division, individuals rhetorically attempt to persuade others to join together in some type of common affiliation. Consequently, as rhetoric is concerned with rectifying division, it is through rhetoric that one attempts to influence others to bridge the divide and find communion.²⁰⁴ The fountainhead of all rhetorical attempts then is division and the remedy for division comes through a proclamation of the need for “unity.”²⁰⁵

Division produces a deep sense of loss in people, so much so that individuals suffer from a “yearning for unity”²⁰⁶ that is fulfilled through identifying with others. What is at the center of this loss though? If the nature of human beings, in the first instance and actual lived experience is division and individuation, then as the nature state, what could be lost? To lose a thing implies previous possession. A possible response, following Burke’s reasoning and yet contrary to his position that division begins at *conception*, would be to acknowledge that at conception until birth, a mother and child are united through a symbiotic relationship and that human existence within nature relies

²⁰² Kenneth Burke, *Language as Symbolic Action: Essays on Life, Literature, and Method* (Berkeley: University of California Press, 1966), 3.

²⁰³ Burke, *The Rhetorical Situation*, 264.

²⁰⁴ Burke, *The Rhetoric of Motives*, 23.

²⁰⁵ Burke, *The Rhetoric of Motives*, 22.

²⁰⁶ Kenneth Burke, *The Philosophy of Literary Form: Studies in Symbolic Form*, 2nd ed. (Baton Rouge: Louisiana State University Press, 1967), 205-206.

upon sexual union to produce its own continuation. In this formulation unity becomes the first instance, division the actual lived experience, only occasionally interrupted in part through congress between a man and woman and completely when sexual union is productive of a new life.

In this formulation, division then, which is the natural state of lived existence for individuals, is an unnatural state of being for any sort of *congregation*. Burke's notions of how to engender a sense of *unity* or *congregation* rest upon the rhetoric of identification. When one person recognizes, acknowledges or assumes that s/he identifies with another then s/he is persuaded to join together with another.²⁰⁷ The process of identification, at its core, is to perceive about a belief, attitude, judgment, interest, and/or an act a point of *unity* between two or more people. Being persuaded, the individual now shares a similar motivation in regards to that which the two (or more) identify. This process of eliciting identification rests upon Burke's ideas about substance—one's essence—and consubstantiation, meaning to "unite in one common substance or nature."²⁰⁸ "Consubstantiality" he argued, "either explicit or implicit, may be necessary to any way of life," because "substance ... is an *act*; and a way of life is an *acting-together*; and in acting together, men have common sensations, concepts, images, ideas, attitudes that make them *consubstantial*."²⁰⁹ Consequently, since humanity is divided and yet driven to rectify their separateness, men and women are attuned to *acting-together* through

²⁰⁷ Burke, *The Rhetoric of Motives*, 20.

²⁰⁸ *Webster's New World College Dictionary*, 3rd ed., s.v. "Essence."

²⁰⁹ Burke, *The Rhetoric of Motives*, 21.

identification. The human drive to eliminate division, for Burke, then is a powerful intrinsic human attribute and motivation. It is through both, division and identification, which Burke's notions of human nature and existence emerge and provides support for Aristotle's contention that human beings actively pursue cooperative and common community.

Another characteristic of human nature and existence, framed by Goethe's phrase, *ceaseless activity*, alluded to in Burke's definition of consubstantiality, is at the forefront of thought in Hannah Arendt's work. Through acting in and upon the world individuals find a "treasure ... that is composed of two interconnected parts."²¹⁰ Within an act people remove "all masks" and "create ... public space ... between themselves where freedom [can] appear."²¹¹ These goods, the unveiling of self, creation of public space, and the appearance of freedom come into play, due to "the fact that man is a being endowed with the gift of action."²¹² Arendt contends that there is a relationship between action, ultimately realized in the realm of politics, and freedom. To be able to act and engage in politics one must be free.²¹³ Extending her argument, the nature of the relationship must be reciprocal in that to be free one also must be able to act and therefore engage in the political. Through this trinity of human "capabilities and potentialities,"²¹⁴ a foundation

²¹⁰ Hannah Arendt, *Between Past and Future: Eight Exercises in Political Thought* (New York: Penguin Books, 2006), 4.

²¹¹ Arendt, *Between Past and Future*, 4.

²¹² Arendt, *Between Past and Future*, 144.

²¹³ Arendt, *Between Past and Future*, 144-145.

upon human nature and existence is constructed that supports Aristotle's claim that human beings are *political animals*.

Human nature and existence in the negative conceptualizations of Hobbes and Locke and in the positive, explicated through the ideas of Aristotle, Burke and Arendt, should not be viewed as standing in opposition to each other. Instead, each makes particular points about human nature and existence, their emphasis providing a basis from which to build further claims about humanity, experience, and society. As will become evident, to focus on the negative conception is productive of a certain vision and type of society and its governance. The same holds true to the productive capabilities of the positive conception. These claims seem to follow Glaucon's assertion about the character of the people of a State shaping its character, and yet it diverges from his claim in that it is not the character of a State's citizenry, but the assessment of the citizen's nature and existence by those with the power to influence the design and character of the State. To move beyond this either/or, it is important to hold the implications of both.

²¹⁴ Arendt, *Between Past and Future*, 145.

From Nature to Society

The way in which a society organizes the life of its members involves an initial choice between historical alternatives which are determined by the inherited level of the material and intellectual culture. The choice ... anticipates specific modes of transforming and utilizing man and nature and rejects other modes. It is one 'project' of realization among others. But once the project has become operative in the basic institutions and relations, it tends to become exclusive and to determine the development of the society as a whole. ...As the project unfolds, it shapes the entire universe of discourse and action....

—Herbert Marcuse, *One-Dimensional Man: Studies in the Ideology of Advanced Industrial Society*

Progression from a brutish, solitary existence to one in which individuals join together in a society of others occurs, according to Hobbes, when people recognize that the only way to secure “their own preservation, and ... a ... more contented life” is to submit to a “visible Power” that will “keep them in awe, and tye them by feare of punishment to the performance of their Covenants, and observation of those Lawes of Nature.”²¹⁵ Necessary to instituting covenants that instigate the formation of a “COMMON-WEALTH ... that great LEVIATHAN,” is “to erect such a Common Power” that protects people and possession from dispossession either through force or deception.²¹⁶ A common power, in which the people “conferre all the power and strength ... reduce all their Wills,” is established when a form of governance is chosen to wield the collective power and will of those in society. Consequently, once empowered the judgment of the one or few becomes the ground from which “Act[s] ... concerne[d with]

²¹⁵ Hobbes, *Leviathan*, 105.

²¹⁶ Hobbes, *Leviathan*, 108.

the Common Peace and Safetie”²¹⁷ or “the Common Benefit”²¹⁸ are justified and “SOVERAIGNE.”²¹⁹

Without this power the benefits of “*Justice, Equity, Modesty, Mercy*, and (in summe) *doing to others, as wee would be done to*”²²⁰ and all the fruits of industry could not be obtained, maintained, or made secure. Ruling through “the Sword” is required, in Hobbes view, in order to limit the “naturall Passions” that lead to “Partiality, Pride, Revenge, and the like.”²²¹ Constrained by fear of punishment individuals, who under the state of nature were able to resort to their “own strength and art”²²² now must turn to the covenant and the Sovereign for justice. For the preservation of society it is also important that the common power respond to the internal threats of the ambitious, those who “thinke themselves wiser ... abler to govern, ...[and] better than the rest,” because if not checked they will “bring ... Distraction and Civill warre.”²²³ The organization of society then, is a scheme of self and communal protection by deputing power and submitting to the will of the one or the few.

²¹⁷ Hobbes, *Leviathan*, 108.

²¹⁸ Hobbes, *Leviathan*, 107.

²¹⁹ Hobbes, *Leviathan*, 108.

²²⁰ Hobbes, *Leviathan*, 105.

²²¹ Hobbes, *Leviathan*, 105.

²²² Hobbes, *Leviathan*, 105.

²²³ Hobbes, *Leviathan*, 107.

Impellent of this construction is Hobbes' view of human nature and existence that primarily emphasized the equality, power, fear, and security of the individual. In the state of society, individuals relinquish their equality, exhibited in their power and will, imbuing one or the few with the right to rule over them through an "Artificiall"²²⁴ covenant. By doing so, the people transform their natural state in order to enable a collective in which industry and its goods can flourish. This transformation from freedom, secures their persons and possessions, at the cost of making them "Subjects" of the ruler(s).²²⁵ The nature of society and common-wealth, consequently, is one that is also defined by fear, power, security, and is composed a collective of individuals who hierarchically are positioned as ruler(s) or subjects.

While Hobbes prioritizes equality and fear, Locke's vision of the nature of society rests upon liberty and fear. Individuals, in the state of nature, are the masters of their own domain and yet they willing "part with freedom" and "give up [their] empire" to secure their *property* – "lives, liberties, and estates."²²⁶ Failing to do so subjects one's *property* and the "enjoyment of ... [each] very uncertain and constantly exposed to the invasion of others."²²⁷ For Locke, the "*chief end* ... [for] uniting into commonwealths ... is *the preservation of* [one's] *property*."²²⁸ In other words, motivating individuals toward

²²⁴ Hobbes, *Leviathan*, 107.

²²⁵ Hobbes, *Leviathan*, 108.

²²⁶ Locke, *Second Treatise of Government*, 75.

²²⁷ Locke, *Second Treatise of Government*, 75.

²²⁸ Locke, *Second Treatise of Government*, 75.

forfeiture of their own self-rule, is the ruin or fear of losing the *property* gained in and through nature's liberty.

In uniting in a commonwealth people secure two distinct advantages. The first remedies the lack endemic to the second liberty found in the state of nature. When lacking sufficient "power"²²⁹ to punish the unjust, who violate the common "law of nature" through self-interest or "ignorance," individuals desire "an *established ...law*, received and allowed by common consent"²³⁰ that can be enforced by "a *known and indifferent judge*."²³¹ By consenting to an established law and yielding to an indifferent judge, individuals gain a "sanctuary ... [for] *the preservation of their property*."²³² Instituting a law that the collective of individuals agree to also supplies reasoning for "the original right and rise of both *the legislature and executive power*."²³³ The judge, found in the legislature and executive, are to be constrained by "*standing laws*, promulgated and known to the people"²³⁴ and his, her, or their end is the preservation of "the *peace, safety*, and *public good* of the people"²³⁵ or "the *common good*."²³⁶ The collective, in which

²²⁹ Locke, *Second Treatise of Government*, 76.

²³⁰ Locke, *Second Treatise of Government*, 75-76.

²³¹ Locke, *Second Treatise of Government*, 76.

²³² Locke, *Second Treatise of Government*, 76.

²³³ Locke, *Second Treatise of Government*, 76.

²³⁴ Locke, *Second Treatise of Government*, 77.

²³⁵ Locke, *Second Treatise of Government*, 78.

²³⁶ Locke, *Second Treatise of Government*, 77.

individual power and liberty are given up, also provides for the attainment and enjoyment of the “many conveniences from the labour, assistance, and society of others”; secured by the “whole strength”²³⁷ of the community. Thus, an individual motivated in large part through fear, willing cedes a portion of his or her power and liberty, to shield the remaining portion by consenting and assenting to the rule of others.

Stripping bare the nature of society from the particularities of Hobbes and Locke’s visions, it is possible to posit a tentative essence of society. Both conceptualize certain grounds and ends that serve as a lighthouse to guide the justifications for their reasoning about society. Hobbes argues that society exists for the protection of persons and possessions, while Locke claims that it primarily remedies a lack of power and secures benefits. What lies behind these views is the belief that the impetus of society is its ability to accomplish something beyond the scope of the power and ability of individuated individuals. The nature or essence of society then is to secure an end beyond the reach of the one that is made possible at the juncture of a collective of individuals and their power to act in the world. Working from a difference in emphasis, society does not necessarily have to build toward security driven by fear, but rather alternatively it can prioritize human and societal potentiality through the power to act.

This second tradition begins to take shape through the words of Aristotle. “The purpose of a state,” he claimed, is accomplished when individuals, who do not necessarily “require one another’s help,” still “desire to live together” due to their

²³⁷ Locke, *Second Treatise of Government*, 77.

“common interests” in reaching a “measure of well-being.”²³⁸ He also claimed that, “every community is established with a view to some good; for mankind always act in order to obtain that which they think good.”²³⁹ As such, community, society and its necessary governance moves beyond the preservation of “life only” to the facilitation of “a good life.”²⁴⁰ Just what a good life is, as Aristotle indicates, is an impetus for and is contingent on the community and societal members’ deliberations. In order to deliberate and make these types of decisions there must be a space for members to talk to each other and in which they are empowered so that their talk is influential and effective.

Arendt, following this tradition, which was also inspirational for American revolutionary thought and spirit, argues that societal members, to obtain a good life, must have the means to realize their freedom or public happiness. Framing her notion of the nature of society, germane to this tradition, was summarized well when she wrote:

...the actual content of political life – [consists] of the joy and the gratification that arise out of being in company with our peers, out of acting together and appearing in public, out of inserting ourselves into the world by word and deed, thus acquiring and sustaining our personal identity and beginning something entirely new.²⁴¹

In this view, society is emergent from the potentiality inherent in human beings being together, identifying with one another and their shared ends through their ability to participate with each other in acts and communication. “To act, in its most general

²³⁸ Aristotle, *Politics*, 112.

²³⁹ Aristotle, *Politics*, 25.

²⁴⁰ Aristotle, *Politics*, 118.

²⁴¹ Arendt, *Between Past and Future*, 259.

sense,” Arendt claims, “means to take an initiative.”²⁴² Since human existence is typified by an “otherness and distinction [that] become[s] uniqueness” initiating an act means that an individual is acting within a “human plurality”²⁴³ that is embedded in a historical and present “web of human relationships ... woven by ... deeds and words.”²⁴⁴ To realize this human potential for action within society then also necessitates that members must be empowered to act politically in order to freely form associations and governance.

Freedom, according to Arendt, is not limited to the liberty to do what one sees fit in areas not constrained by the law, but also includes the means for the people to engage in their “share of public business.”²⁴⁵ To participate in “the discussions, the deliberations, and the making of decisions,”²⁴⁶ productive of the scope of governmental or “public power,” does not only secure individual freedom, but it also fosters public happiness individually and collectively.²⁴⁷ The liberty “to think and to speak” not only consent and assent, but also “difference ... [through] free discussion,” according to Jefferson, had the power to transform public disturbances into a “horizon more bright and serene.”²⁴⁸

²⁴² Arendt, *The Portable Hannah Arendt*, 178-179.

²⁴³ Arendt, *The Portable Hannah Arendt*, 178.

²⁴⁴ Arendt, *The Portable Hannah Arendt*, 179.

²⁴⁵ Arendt, *On Revolution*, 115.

²⁴⁶ Arendt, *On Revolution*, 115.

²⁴⁷ Arendt, *On Revolution*, 123-124.

²⁴⁸ Thomas Jefferson, *The Writings of Thomas Jefferson*, vol. 9, ed. Albert Ellery Bergh (Washington, D.C.: The Thomas Jefferson Memorial Association, 1907), 235.

“Every country,” in which there is such freedom of thought and discussion, is, as he described America, a “happy country.”²⁴⁹

Thomas Jefferson learned the importance of public freedom or happiness from the American experiences in self-rule prior to and during the revolution.²⁵⁰ The founders certainly knew that happiness lay in the private domain, but they also learned, according to Arendt, “that men ... could not be altogether ‘happy’ if their happiness was located and enjoyed only in private life.”²⁵¹ An expression of this knowledge is found in Jefferson’s inclusion of *the pursuit of happiness* in the Declaration of Independence, in recognition that happiness was to be found in the freedom and power to pursue both private and public goods.²⁵² Flying in the face of received “conventions,” the founders, in Arendt’s reading, discounted the beliefs that participation in the government was “a burden” and that “happiness was not located in the public realm.”²⁵³ Consequently, when John Adams claimed that “the happiness of society is the end of government”²⁵⁴ the conclusion should be that government must be restricted from infringing upon freedom and thereby happiness in the private domain, as well as empowering the citizenry to be full participators in the public or political domain.

²⁴⁹ Jefferson, *The Writings of Thomas Jefferson*, 235.

²⁵⁰ Jefferson, *Thomas Jefferson: Writings*, 1380-1381.

²⁵¹ Arendt, *On Revolution*, 124.

²⁵² Arendt, *On Revolution*, 124, 128.

²⁵³ Arendt, *On Revolution*, 124-125; and Jefferson, *Thomas Jefferson: Writings*, 1469-1471.

²⁵⁴ Adams, *The Portable John Adams*, 234.

Before preceding two possible objections to this tradition need to be addressed. The notion of happiness, private and public, is not one of a *telos* or a utilitarian objective that justifies as just collectively binding decisions on the grounds that it is productive of happiness. As in the enactment of liberty in the private realm, in which happiness results from one's choices and acting on opportunities to realize one's private goals, public freedom or happiness emerges out of being empowered and engaged in attending to one's *share of public business*. This happiness is intrinsic to the process and wells up in the participants as they realize their identification with a community of others. Additionally, this tradition diverges from a notion that society is merely a collective of individuals. Instead it posits that through the power to act publically, societal members develop and share in, not a collective pursuant of goals that prosper individual ends, but a community which is formulative of individual and community identity and its ends are those that realize both the private and public well-being of its members.

To be a participator in the public domain means that societal members who engage in the "realm of politics" address "the ultimate political problem ... of action."²⁵⁵ As Benjamin Barber argues, "to be political is thus to be free with a vengeance – ... under an ineluctable pressure to act, and to act with deliberation and responsibility as well."²⁵⁶ To be free involves being able to act politically. Accordingly, acting in freedom "must ensue from forethought and deliberation, from free and conscious choice."²⁵⁷ This

²⁵⁵ Barber, *Strong Democracy*, 121.

²⁵⁶ Barber, *Strong Democracy*, 121.

²⁵⁷ Barber, *Strong Democracy*, 126.

necessitates opportunities to listen, discuss and debate with one another about the policy options available in order for participants to know, understand, judge and decide between the alternatives. The scope of actions that are within the purview of politics are those acts “of *we*,”²⁵⁸ where the divided *I* finds that s/he *can* identify with another or even the many. As such a political act should be constrained “to action that is both undertaken by a public and intended to have public consequences.”²⁵⁹ What is public and what is private are questions to which answers are contingent and should be delimited through the political acts of an engaged and empowered participatory citizenry.²⁶⁰ Engagement at this level with one’s community and society through the political means of “doing (or not doing), making (or not making) ...changes the environment, or affects the world in some material way.”²⁶¹ It also transforms the public space from “a way of life” into “a way of living” that is constructive of “mutual advantage” and an “advantage of [societal member’s] mutuality.”²⁶² Living in community, when societal members are empowered to participate through making choices about public acts, are able to sanction and carry out those acts, is beneficial for the individual, as well as the community as a whole.

This can be seen when considering that a society, at a primary level, is a community of people, not a collective of individuals, who want to live together to achieve

²⁵⁸ Barber, *Strong Democracy*, 123.

²⁵⁹ Barber, *Strong Democracy*, 123.

²⁶⁰ Barber, *Strong Democracy*, 123-124.

²⁶¹ Barber, *Strong Democracy*, 122.

²⁶² Barber, *Strong Democracy*, 118.

their common interests. As such, citizens need to be able “to make credible commitments to one another ... for mutual gain.”²⁶³ In making credible commitments individual “differences and conflicts”²⁶⁴ are not effaced, but are, in part, resources that draw the community together as its members, transformed through the process into citizens, partake in deciding how to meet those challenges. Association within a community is primarily enabled through the capacity of human beings to communicate and since the community is composed of individuals that approach life and governance from different positions and perspectives, this plurality necessitates a particular type of communication. According to Carolyn R. Miller, it is the “rhetorical dimension of speech-deliberation about human actions” that engenders the possibility of “community life.”²⁶⁵ A “*rhetorical community*,” embodied through “the continuing opportunity – the forum – for debate, discussion, dialogue, dispute”²⁶⁶ provides the experience of “common rule-making and negotiating procedures”²⁶⁷ through which the citizenry and community is constituted.

Society in this tradition is one that posits the community as being constituted and constitutive. In this perspective societal members constitute their communities through direct participation in the decision-making process and in turn deliberating with others is

²⁶³ Robert D. Putnam, *Making Democracy Work: Civic Traditions in Modern Italy* (Princeton: Princeton University Press, 1994), 164.

²⁶⁴ Young, *Inclusion and Democracy*, 27.

²⁶⁵ Miller, *The Polis as Rhetorical Community*, 231.

²⁶⁶ Miller, *The Polis as Rhetorical Community*, 239.

²⁶⁷ Young, *Inclusion and Democracy*, 27.

constitutive of the individual's identity as a citizen.²⁶⁸ As a constitutive circle, in which the individual is empowered to act and constitute the community and empowered participation in the community influences the constitution of the individual, the community then, according to Michael Sandel "describes not just what they *have* as fellow citizens but also what they *are*, not a relationship they choose (as in a voluntary association) but an attachment they discover, not merely an attribute but a constituent of their identity."²⁶⁹ The constitutive power of this relationship takes into account that the self is a historical construct brought forth through unique encounters with the world and others. Each citizen brings to the community an individuated point of reference, thereby creating a dynamic tension between the influence of the individual uptake of experience and the constitutive influence of his or her experience in a community of others. Instead of remaining in a state of division, interrupted by private moments of identification, the community then becomes a resource for working through division to produce ongoing means for consubstantiality. From this perspective, the community is "both pluralist and normative," functioning through a "dynamic interaction" that is "mutually constitutive"²⁷⁰ of community and its citizenry.

²⁶⁸ Sandel, *Liberalism and the Limits of Justice*, 150.

²⁶⁹ Sandel, *Liberalism and the Limits of Justice*, 150.

²⁷⁰ Miller, *The Polis as Rhetorical Community*, 238.

Citizenship

I believe that the question of political identity is crucial and that the attempt to construct ‘citizens’ identities is one of the important tasks of democratic politics.

—Chantal Mouffe, *The Return of the Political*

An individual can be a member of a society or a community without being a citizen. Citizenship moves a societal member from being a subject to that of an active participant who is engaged in the workings of the political and thereby public realm. Arendt argues that “the world” is what “lies between people” and this “in-between”²⁷¹ has been severely diminished as people have withdrawn from the public realm. The pulling back from the public realm she claims is due to the belief that freedom entails a “freedom from politics.”²⁷² By retreating from their role in politics, individuals have lost one of their primary means of enacting the in-between, where an illumination of human nature and existence, the nature of society, and the diversity, unity, and creativity that humanity is possible of is generated. The loss is in essence the space in which individuals discover and realize the bonds of their association with their fellow human beings.²⁷³ In conceiving the world and the political as a creation of the in-between that emerges when people engage with each other it is possible to understand that citizenship is an identity, like “every identity is relational.”²⁷⁴ It is in “the way we define” this relationship

²⁷¹ Arendt, *Men in Dark Times* (New York: Harcourt, Brace & World, 1968), 4.

²⁷² Arendt, *Men in Dark Times*, 4.

²⁷³ Arendt, *Men in Dark Times*, 5.

²⁷⁴ Mouffe, *The Return of the Political*, 2.

indicated in “citizenship” that is strongly constituent of “the kind of society and political community”²⁷⁵ that its members labor under or actively engage in. The characteristics associated with citizenship are productive of who is considered to be a citizen and as a form “of collective identifications”; not only constitutive of “a ‘we’” but also, as noted by Chantal Mouffe, a “delimitation ... a ‘them’.”²⁷⁶ Citizenship is an exclusive domain that is indicative of who rules society, those subjected to their rule, and those others outside of its particular societal boundaries and scope of power.

To distinguish the characteristics of a citizen is or should be, it is fruitful to first describe what a citizen is not. An individual who lives “under the law” of a society insofar as “the force of its law extends” and partakes of the “privileges and protection of it”²⁷⁷ is merely a denizen of that society and a subject of its governance. “Subjects” according to Jean-Jacques Rousseau, “extol the public tranquility ... [and] prefer [the] security of possessions,” since they desire the benefits they can acquire, rather than what they can give to society.²⁷⁸ They are, in Barber’s estimation, “free-riders” who “act exclusively out of self-interest.”²⁷⁹ These individuals are “not taken into consultation” and have no or little voice when “the arbiters of their destiny”²⁸⁰ make collectively

²⁷⁵ Mouffe, *The Return of the Political*, 60.

²⁷⁶ Mouffe, *The Return of the Political*, 2.

²⁷⁷ Locke, *Second Treatise of Government*, 74.

²⁷⁸ Jean-Jacques Rousseau, *The Social Contract and Discourse on the Origin of Inequality*, ed. Lester G. Crocker (New York: Pocket Books, 1967), 87.

²⁷⁹ Barber, *Strong Democracy*, 179.

binding decisions. Subjects and even denizens are not citizens in that they withdraw or are excluded from the public realm and political space that facilitate the constitution of the in-between, the *we*, freedom and therefore public happiness.

On the other hand, a citizen, while a subject and denizen, acts in the public realm by employing his or her capacities toward making the collectively binding decisions under which s/he lives. “They understand that their freedom,” as Barber contends, “is a consequence of their participation in the making and acting out of common decisions.”²⁸¹ A citizen, as noted by Aristotle, is a person who “should know how to govern ... and how to obey like”²⁸² one who is free. Citizenship also entails a “continuous acknowledgement” of one’s “obligation” to “an ensemble of practices”²⁸³ and a “set of political principles ... freedom and equality for all.”²⁸⁴ When individuals, “recognize the authority of such principles and the rules in which they are embodied,” they proactively engage in constituting the “political judgement and ... actions” and “identity”²⁸⁵ necessary to be citizens. It is through “actually entering into ... by positive engagement”²⁸⁶ the ensemble of political practices that the “practical discipline”

²⁸⁰ Mill, *On Liberty and Other Essays*, 254.

²⁸¹ Barber, *Strong Democracy*, 179.

²⁸² Aristotle, *Politics*, 109.

²⁸³ Mouffe, *The Democratic Paradox*, 95.

²⁸⁴ Mouffe, *The Democratic Paradox*, 65.

²⁸⁵ Mouffe, *The Return of the Political*, 65-66.

²⁸⁶ Locke, *Second Treatise of Government*, 74.

necessary for “the character”²⁸⁷ of citizenship becomes generative of an identification as a citizen. Consequently, citizens are members of society who actively engage the public and political realm, willing an order of society toward community generated common goods through the production of and agreement with the collectively binding decisions under which they choose to live.

Will a World into Being

To will is to create a world or to bring about events in a, world, and this act entails (and thus defines) power – the ability to create or modify reality.

–Benjamin R. Barber, *Strong Democracy: Participatory Politics for a New Age*

To be constituted by and to constitute something in the world, one has to act in the world. Preceding an act, the will is either engaged to direct what a person will will to be and be done within the particular concern under consideration. Whether an individual has time to process his or her will prior to the decisional event or one acts within the moment the will is involved. In the case in which time is permitted the development of the will is allowed to be inquisitive and reflective, whereas in the moment the will must draw from previous, like instances. In an authentic democracy, citizens processing the “common good,” actualize the “public” where “citizens com[e] together to talk about collective problems.”²⁸⁸ By talking together, especially in the political frame, citizens act as creative beings, “creat[ing] ... visions [that] are provisional” and propositional of

²⁸⁷ Mill, *On Liberty and Other Essays*, 254.

²⁸⁸ Young, *Communication and the Other*, 121.

imaginary, “shared consequences.”²⁸⁹ Transitioning talk from vision to, as Barber argues, “decision converts [its] promise into reality and compels [citizens] to give irrevocable shape and life”²⁹⁰ to the vision. A vision and decision call for a “will”²⁹¹ and a “way to willing common actions”²⁹² that aspires to bring into being a reality conceived of and shared by the citizenry.

When a collection of individuals come together to form a community they bring with them differences of opinion about how they will govern. Their judgments about how they govern, act upon their common world, arises from what they will to be in their world. Difference in social location, power relations, and relational development and connections in heterogeneous, as well as homogenous, communities implicate the use of rhetoric. Rhetoric, in part, is a communicative resource that brings these individual together in order for them to identify the character and responsibilities of citizenship and as citizens. From difference individuals privilege certain influences over others, resulting in a plurality within the decision-making space constituted in-between citizens. To arrive at a collectively binding decision, citizens must decide which possibility has the most potentiality to promote the common good. Common good, meaning here that which advances a good that is beneficial to the community; not as an abstract good that favors

²⁸⁹ Barber, *Strong Democracy*, 202.

²⁹⁰ Barber, *Strong Democracy*, 202.

²⁹¹ Barber, *Strong Democracy*, 202.

²⁹² Benjamin R. Barber, “Foundationalism and Democracy,” in *Democracy and Difference: Contesting the Boundaries of the Political*, ed. Seyla Benhabib (Princeton: Princeton University Press, 1996), 354.

the common, but a concrete good that might just as likely advantage a segment of the community to further its identification with and as part of the community; not as an end in of itself, but inherent in a process that includes free, equal, engaged, and empowered participation by the citizenry. To decide on a collectively binding decision democratically, persuasion provides rhetorical parameters that guide citizens' communicative participation. Mark Warren refers to three conditions that this "dynamic" engagement espouses and rewards. When individuals present their arguments they need to:

1. "appeal to common or coinciding interests or norms"
2. foster a favorable evaluation of one's credibility in relation to claims and evidence
3. inspire a perception of goodwill toward the community²⁹³

A citizen presenting his or her argument for a vision of the community in a decisional space can only deceptively appear to meet these conditions for a time since the appearance of the person and the argument transpires publically. The capability to influence the community therefore can be limited or even negated when an individual does not consistently project a character and proposed collectively binding decision that the community recognizes as common, credible, and grounded in goodwill over the short and long-term.²⁹⁴ In acting within these conditions and providing profitable proposals,

²⁹³ Warren, *Deliberative Democracy*, 183.

²⁹⁴ Warren, *Deliberative Democracy*, 183.

whether accepted or not, will “increase future [capabilities] for influence.”²⁹⁵ The will of the community and of its citizens, then is a rhetorical result.

Rhetoric and political deliberation, which is also rhetorical, gains significance in the democratic process, in that both are “transform[ative of individual] preferences according to public-minded ends.”²⁹⁶ Constitutive and transformative affects are a consequence of “coordinat[ing] action [that] requires ... share[d and held] interpretations of facts, norms, and intentions.”²⁹⁷ These interpretative resources are made and refined through a public intercourse²⁹⁸ that is generative of “public seeing and political judgment.”²⁹⁹ By being able to interact with and influence one another, citizens engage in evaluating and selecting from a “myriad [of] visions that compete for the common will.”³⁰⁰ To will, is not the same as “‘I prefer’ or ‘I want’,”³⁰¹ in that will is productive of a judgment that brings into existence a common experience now and for the future.

From Locke’s perspective, while in a state of nature, an individual’s will is the impetus behind his or her decision as to what s/he determines to pursue according to the first liberty. Within a collective the individuated individual wills are aggregated,

²⁹⁵ Warren, *Deliberative Democracy*, 183.

²⁹⁶ Young, *Communication and the Other*, 121.

²⁹⁷ Warren, *Deliberative Democracy*, 184.

²⁹⁸ Warren, *Deliberative Democracy*, 184.

²⁹⁹ Barber, *Strong Democracy*, 202.

³⁰⁰ Barber, *Strong Democracy*, 202.

³⁰¹ Barber, *Strong Democracy*, 200.

generally with the majority will guiding collective ends. In a community, its collectively binding decisions are not an act of discovery, but are generated through public will.³⁰² Rousseau's contention was that the "act of association" is creative of a "unity," productive of the association's "common self, its life, and its will."³⁰³ Standing in the place of the individuated individuals' wills, the collective transforms into and replaces individual wills with that of a public body.³⁰⁴ In a community, since difference is, in part, constitutive of the need to learn about and deliberate on proposed or existing common goods, Locke's view is too weak due to its reliance on self-interest while Rousseau's is too strong as it negates difference. An alternative view, that addresses a scheme that includes private and public wills, which in turn produces a collective will, is advocated by contemporary theorist Majid Behrouzi.

Behrouzi holds that as a citizen, "the individual is a public person with public interests, as well as a holder of a set of views and conceptions on the matters of the 'common good'."³⁰⁵ Awareness of a common issue is demonstrative of private and public concerns and interests that are learned through "general and formal education,"³⁰⁶ as well as the individual's active engagement in society and with its members. Once a person becomes "committed, and willing, to 'act' on" an issue, his or her private wills transform

³⁰² Sandel, *The Procedural Republic and the Unencumbered Self*, 84.

³⁰³ Rousseau, *The Social Contract and Discourse on the Origin of Inequality*, 19.

³⁰⁴ Rousseau, *The Social Contract and Discourse on the Origin of Inequality*, 19.

³⁰⁵ Behrouzi, *Democracy as the Political Empowerment of the Citizen*, 27.

³⁰⁶ Behrouzi, *Democracy as the Political Empowerment of the Citizen*, 27.

into “‘*public wills*’.”³⁰⁷ If citizens are empowered to participate and act in the collectively binding decision-making process, then through rhetorical engagement the community attends and decides to “‘co-join’ [their] wills” into a “‘*collected wills*’.”³⁰⁸ Able to provide consequential input, one’s public will in the decisional scheme affords citizens the ability to enact their “sovereignty.”³⁰⁹ Additionally, this process serves to legitimate the decision and motivate citizens to support and live by decisions for (non)advocates.³¹⁰

An issue that becomes a public problematic, open to public discussion, orients an individual “to that issue through both, his or her, private and public wills”³¹¹ While the wills are not mutually exclusive as they “may or may not be in harmony” and their “inter-connections”³¹² might or might not be known they are distinguished through their relation to what is considered the “good [for] the public.”³¹³ A private will is a representative of a person’s individual desires and judgments about a particular situation that s/he does not want to express in a public forum. In making public a will that relates to political “issues,” the citizen identifies his or her “criteria” for making the judgment, as well as

³⁰⁷ Behrouzi, *Democracy as the Political Empowerment of the Citizen*, 27.

³⁰⁸ Behrouzi, *Democracy as the Political Empowerment of the Citizen*, 27.

³⁰⁹ Behrouzi, *Democracy as the Political Empowerment of the Citizen*, 28.

³¹⁰ Behrouzi, *Democracy as the Political Empowerment of the Citizen*, 28.

³¹¹ Behrouzi, *Democracy as the Political Empowerment of the Citizen*, 28.

³¹² Behrouzi, *Democracy as the Political Empowerment of the Citizen*, 31.

³¹³ Behrouzi, *Democracy as the Political Empowerment of the Citizen*, 30.

what s/he “wills to be actualized”³¹⁴ through advancing his or her suggested potential collectively binding decision. In other words, a public will proposes ways that the community should pursue the common good, thereby if chosen instituting individual and common responsibilities.³¹⁵ Formulated in and through public interaction, public wills are malleable and susceptible to change.³¹⁶ “Public wills” then according to Behrouzi, are “*expressions of considered and reflected-upon judgements.*”³¹⁷ After a particular public will or a combination of multiple public wills is accepted by the community a “collective will”³¹⁸ is produced.

To explicate the difference and relationship between private, public and collective wills Plato’s account of Socrates trial provides fruitful examples. When Socrates, “that wise man’,”³¹⁹ was charged with leading the youth of Athens astray by teaching them to challenge their received traditions and religion, along with a sundry of other violations, he based his defense on his public and private wills. In his attempt to obtain an acquittal, Socrates had to convince the jury that his view relating to the charges was the correct perspective. Besides the necessary challenge of the prosecution’s evidence, he

³¹⁴ Behrouzi, *Democracy as the Political Empowerment of the Citizen*, 30.

³¹⁵ Behrouzi, *Democracy as the Political Empowerment of the Citizen*, 30.

³¹⁶ Behrouzi, *Democracy as the Political Empowerment of the Citizen*, 30.

³¹⁷ Behrouzi, *Democracy as the Political Empowerment of the Citizen*, 30.

³¹⁸ Behrouzi, *Democracy as the Political Empowerment of the Citizen*, 31.

³¹⁹ Plato, “Socrates’ Defense (Apology)” in *The Collected Dialogues of Plato: Including the Letters*, eds. Edith Hamilton and Huntington Cairns (Princeton: Princeton University Press, 1961), 23.

endeavored to convince the jury via his public will. Arguing that while he was “pleading on [his] own behalf,” he also claimed that he was “really pleading on [theirs]” in order “to save [the Athenians] from misusing the gift of God by condemning [him].” Socrates asserted that he was god’s gift to Athens in that through “the greatest possible service” he could provide, he had become in words and deeds their conscience. Throughout his life he had continually attempted “to persuade each [one] not to think more of practical advantages than of his mental and moral well-being, or in general ... of well-being in the case of the state or of anything else.”³²⁰ The jury unmoved by his defense sided with his accusers.³²¹ Convicted of the crimes, Socrates had the opportunity to persuade the jury to sentence him to some other punishment than the called for death penalty. In an expression of his private will, “I am convinced that I never wrong anyone intentionally,”³²² he offered his opinion of innocence and therefore he should not be subject to any sanction. The jury, not swayed by his arguments, agreed with his accusers and one month later had him executed.³²³ Prior to the trial the members of the jury, all male Athenian citizens, had either met or heard about the influence and character of Socrates.³²⁴ From these experiences and knowledge, many of the jury members likely

³²⁰ Plato, Socrates’ Defense (Apology), 21.

³²¹ Plato, Socrates’ Defense (Apology), 21.

³²² Plato, Socrates’ Defense (Apology), 18.

³²³ Plato, “Phaedo,” in *The Collected Dialogues of Plato: Including the Letters*, eds. Edith Hamilton and Huntington Cairns (Princeton: Princeton University Press, 1961), 24.

³²⁴ Plato, Socrates’ Defense (Apology), 4-5, 18-19.

entered their role with a priori opinions about his guilt or innocence. Through, the likely public discussions leading up to the trial about its merits and possible outcome, along with the evidence and statements made by both sides during the trial, the jury members formed their public wills. In rendering their judgment of his guilt and then passing sentence, their private and public wills constituted the collective will of Athens.

In rendering their decision about the fate of Socrates the jury came to a judgment about his guilt and a decision about how to implement that decision. Behind the judgment and decision were the public wills of the individual jurymen and through their vote they determined and expressed what they collectively willed the world to be; one in which Socrates no longer could trouble them and their community. To bring this willed world into existence the jurymen had a will guiding their choice, the will to decide, the will to abide by the decision, and the will to see the decision acted upon. Barber posits that “if common decision is the test of common talk, then common action is the test of common decision. Common work is a community doing together what it has envisioned and willed together.”³²⁵ To will and act in the world the Athenian had to be empowered to come to their decision and be able to render it an actuality. As such, the citizens had to be agents in the constitution of their world.

³²⁵ Barber, *Strong Democracy*, 209.

To Act in the World

...in all political questions ... only questions of power come into play: “what one can do” is the first question, what one ought to do is only a secondary consideration.

–Friedrich Nietzsche, *The Will to Power*

Or is it? To act in the world, to will the world as one possibility, amongst a sea of options, relies upon the human “faculty by which the self comes by its ends”³²⁶ or agency. Countering the insights of Nietzsche, Pascal’s assessment of the will is related to one’s beliefs. What we believe as “true or false” is a matter “by which we judge them.”³²⁷ His argument is that as we evaluate “the qualities” of something “our will likes one aspect more than another.”³²⁸ That which the “mind ... does not care to see” the will “deflects”³²⁹ one from considering. The mind then is drawn to what remains, or that “preferred by the will,”³³⁰ and an individual then makes his or her judgment accordingly. If beliefs are generative of our acts in the world, then the will while limiting is directive of self-reflection that then produces the judgments leading to action. Pascal’s view of the will is definitely productive for understanding how individuals come to act in the world

³²⁶ Michael J. Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982), 57-58.

³²⁷ Pascal, *Pascal Pensées*, 190.

³²⁸ Pascal, *Pascal Pensées*, 190.

³²⁹ Pascal, *Pascal Pensées*, 190.

³³⁰ Pascal, *Pascal Pensées*, 190.

but a more penetrating analysis, providing deeper distinction, is necessary to develop a thorough understanding of human agency.

Michael Sandel provides a framework for understanding the constitutive elements of one's agency and for building a sense of agency of a citizen. In review, he offers a prevalent perspective of agency, which he follows with a richer, deeper, and more productive view. He constructs agency as residing in two possible faculties: willing and self-reflection. Willing involves the ability of a person, or *self*, to choose between possible desired outcomes, or *ends*, while reflection occurs through discovery.³³¹ In each case, agency serves as a remedy for a particular type of disempowerment. When agency is conceived as willing the "self is disempowered because [it is] detached from its ends"; in reflection it "is disempowered because [it is] undifferentiated from its end."³³² In other words, willing is an enactment of power to bridge the gulf between the known *self*, antecedent to life and societal goals, in order to decide and act towards a chosen, certain *end*. In reflection, a person's understanding of *ends* is constitutive of his or her *self*-understanding. By reflecting on the connection between *ends* and *self*, a person creates distance between the two in order to empower the *self* to consider the value of the *end* for its own constitution. In this sense a person "achieves self-command" by "making the self"³³³ an object, thereby enabling a "survey [of] its various attachments ... [in order to]

³³¹ Sandel, *Liberalism and the Limits of Justice*, 58.

³³² Sandel, *Liberalism and the Limits of Justice*, 58.

³³³ Sandel, *Liberalism and the Limits of Justice*, 58.

acknowledge [the object's] respective claims."³³⁴ In doing so, the *ends* is caused to lessen or relinquish its constitutive power over the *self* so that a person can determine what *ends* (and its correlated, sundry attachments) it desires to be self-constitutive.

While Sandel's construct of agency as an unencumbered self, posits a divide between willing and self-reflection, the divide is not necessary. Agency is not an either/or, as Sandel attests to when he (re)envision agency as an encumbered self – "Will alone is not enough"³³⁵ – but a both/and. As a both/and agency is a product of self-reflection, distancing the *self* from *ends*, and then an act of willing or a choice to "reverse the drifting apart of self and ends by restoring a certain continuity between them."³³⁶ The *subject* or *ends* are open questions that are answered through the process of living, judging, and acting. In life, human beings are embedded in a historical association or society of others, and when the openness of an indeterminacy or a question confronts that society of *self* and others, the person contingently answers the questions of *Who am I?* and *What ends should be pursued?* through the working of one's agency: reflection and willing. The contingency of this openness for *self* and *ends* does not exist free of constraints in that both, the *self* and *ends*, are embedded: The history of *Selves* and *Ends*, of the *self* and *ends*, the authority of culturally and socially accounted for and discounted possibilities, and interrelationships with others contending with the question provides a powerful effectual frame to contextualize who one can be(come) and what one can do.

³³⁴ Sandel, *Liberalism and the Limits of Justice*, 153.

³³⁵ Sandel, *Liberalism and the Limits of Justice*, 152.

³³⁶ Sandel, *Liberalism and the Limits of Justice*, 58.

Due to humanity's embeddedness, agency through self-reflection cannot be a complete withdrawal in thought from the community of others. Consequently, the self that reflects on its ends is not nor can be an actual antecedent to the person's life and society goals. Joining the *self* in its reflection are the voices of others who have influenced the ongoing construction of the *self* and therefore speak into the consideration of what *ends* a person decides to esteem and act upon.³³⁷ Even though the process of self-reflection is a process of (re)visitation, action necessitates a movement away from contemplation to willing, which leads toward a moment of decision.³³⁸ Agency, here takes the result of self-reflection and transforms its determinations into a willing of what ends to pursue and how to achieve that particular possibility.

Conclusion: Fostering the Flourishing of Humanity

The nature of humanity and their existence exhibit a particular disposition that provides the foundation for authentic governance. Out of this disposition should emerge the form of governance that fosters the flourishing of humanity. Authentic democracy would provide the people with a means to transform their natural liberties –to pursue individual ends and punish impediment of those ends– through language into common, just pursuits and benefits. Humanity experiences a compulsion to overcome their natural state of division through the creation of identification between one another. When individuals do so, they construct and constitute a shared will and world that forms

³³⁷ George H. Mead, *Mind, Self, and Society: From the Standpoint of a Social Behaviorist*, ed. Charles W. Morris (Chicago: University of Chicago Press, 1967), 154-158.

³³⁸ Arendt, *Between Past and Future*, 153.

communion and community between them. In building society, individuals agree to live under a common power, but the nature and function of this power can either rob societal members of their means of participation and public happiness or it can provide the space for its realization. To be active participants –to be citizens who are agents that move from individual, private wills to a collective will– necessitates authentic democracy: a democracy that, facilitating the people’s interactions, achieves their empowerment and thereby enables their self-rule.

CHAPTER THREE: THE DEMOCRATIC RHETORIC PROJECT

...democracy is a project concerned with the political potentialities of ordinary citizens, that is, with their possibilities for becoming political beings through the self-discovery of common concerns and of modes of action for realizing them.

–Sheldon S. Wolin, *Democracy and Difference*

Introduction: Justifications for Authentic Democracy

Knowing the general character of human beings and humanity's reasons for associating with each other is beneficial in constructing governance of individuals in society. Understanding how symbolic orders are productive of communication codes that are indicative of a people's webs of significance or culture, addressed here, provides guidance for how an authentic system of governance should be constructed. This knowledge and understanding can be employed for the common good or the good of the few. Authentic governance implements this knowledge and understanding in ways that maximize the potentialities of societal members as citizens. For Bryan Garsten "a polity's institutional structure influences the type of political activity"³³⁹ open for its citizenry while Mouffe desires "a mode of political association" that suggests "the idea of commonality" and establishes relational bonds "among the participants in the association."³⁴⁰ Institutional structures and modes of political association, through their

³³⁹ Bryan Garsten, "The Rhetoric Revival in Political Theory," *Annual Review of Political Science* 14, no. 1 (June 2011), 176-177.

“rules and prescribed norms of conduct”³⁴¹ facilitate and constitute the identities and activities possible. These structures and norms, inculcate within a citizenry certain political expectations based on habits of behavior. People, argues Pascal, follow their habits formed through continual, repetitive behavior warranted by the institutions and norms they partake of in their lived experience.³⁴² Authentic governance then is one that institutionalizes *political potentialities of ordinary citizens* in a particular way that aligns with character of human beings and their political association. How the associated individuals of a society constitutes its governance –its institutions, actors, and cooperative acts– are constituted through the nature of their associations; since in part individuals constitute and are constituted through the nature of their associations, how a society’s political space is concretized affects how the citizenry engages in the productive process of will formation and is empowered to choose and act collectively in the world.

Authentic Governance

...a state is a community of freemen...
 ...a political society exists for the sake of noble actions...
 ...who has the power to take part in the ... administration of any state is ...
 a citizen of that state ... a state is a body of citizens sufficing for the purposes of
 life.

–Aristotle, *Politics*

Any form of governance that provides the institutional structure, norms, and habits of a political association should be grounded in the character of human beings and

³⁴⁰ Mouffe, *The Return of the Political*, 66.

³⁴¹ Mouffe, *The Return of the Political*, 67.

³⁴² Pascal, *Pascal Pensées*, 6.

community in order to establish those habits, norms and structure. Building from the exposition provided above about human nature and existence, society, citizenship, will, and agency authentic governance should acknowledge, enable, and have the potentiality to achieve the characteristics noted. Authentic governance then is generative of a collectively binding decision-making space in which:

1. functional equality is fostered and flourishes in order to equalize the inequalities created through differing capacities and resources
2. the liberty of individuals to choose the ends they desire and pursue the acts they believe will lead to those ends is maximized
3. citizens are empowered to be world-builders who can express their public wills in negotiations with others to secure their own persons, property, and a collective will
4. identification with others bridges the diversity of societal plurality through rhetorical engagements pursuant of common goods, feeding back into a constitutive circle productive of community identification and
5. the citizenry's public happiness is secured through their constitution as engaged participators in self-rule

The specificity of these claims is significant for they are productive of the parameter for the actualization of equality, liberty, power, identification, and public happiness with governance. It is possible to succinctly summarize these claims of acknowledgement, enablement, and achievement: Authentic governance necessitates that individuals are

free, equal and empowered actors who can collectively constitute their existence in society and its goods.

Such reduction to core concepts or succinct summary though leaves a gap in the breadth and depth of interpretation that could be productive of governance that would not be authentic. Neither, would it not necessarily distinguish parameters through which possible forms of governance could be invalidated as inauthentic. For instance, Aristotle claims that the three basic forms by which governance is secured, “the one, or the few, or the many,”³⁴³ can only be evaluated as authentic from a rich understanding of authentic governance. A government of one or the few violates equality, power and public happiness, but could be said to enable and perhaps even achieve a sense of liberty and identification for its subjects. Whereas, it is only in the governance of the many that acknowledgment, engagement, and the potentiality for the achievement of equality; liberty; empowerment found in reflection, will, agency, acts, and security; identification constituted out of difference, common goods, and collectively binding decision-making; as well as public happiness through engaged participation that authentic self-rule is actualized.

Authentic Governance is Democratic Governance

Authentic governance, found only in the self-rule of the many, brings democracy back to the foreground, “for democracy is said to be” claimed Aristotle, “the government of the many.”³⁴⁴ Unlike for Aristotle, democracy is no longer a singularity, but over the

³⁴³ Aristotle, *Politics*, 114.

³⁴⁴ Aristotle, *Politics*, 115.

centuries since it flourishing in ancient Athens, it has become, in Dahl's words, an amalgam of elements that do not fully cohere."³⁴⁵ Today the experience of democracy is filtered through a fusion with other philosophical and political elements, so that its variants are now called "modern democracy, pluralist democracy, constitutional democracy, liberal democracy"³⁴⁶ to which could be added representative democracy, participatory democracy³⁴⁷ and deliberative democracy³⁴⁸ to name a few versions. In each, democracy has been modified in order to make it more palatable for the sensibilities of the times and "the party on top."³⁴⁹ Democracy, as a political community, is an expression of "the bonds securing men's mutual respect [and] ... bonds of necessity."³⁵⁰ Pascal argued that community bonds are "maintained by [an] imagination"³⁵¹ that project a certain conception of power through which a particular version of governance is accepted. How democracy is conceived and enacted then reflects a vision of power and who and how it is to be enacted. With the *imagined* authentic governance presented above serving as the grounds for an authentic conception of democracy, authentic democracy too must be envisioned in a particular way.

³⁴⁵ Dahl, *Democracy and Its Critics*, 13.

³⁴⁶ Mouffe, *The Democratic Paradox*, 1.

³⁴⁷ Barber, *Strong Democracy*, 117.

³⁴⁸ Barber, *Strong Democracy*, 129.

³⁴⁹ Pascal, *Pascal Pensées*, 251.

³⁵⁰ Pascal, *Pascal Pensées*, 251.

³⁵¹ Pascal, *Pascal Pensées*, 251.

Central to the “political condition,” according to Barber, is “the absence of an independent ground for judgment.”³⁵² The questions that trouble a political community are those rooted in issues that cause conflict within society. Difference driving divergent private and public wills creates a space between the citizenry “where truth is not – or is not yet – known,”³⁵³ so that conflict emerges about what collective will, productive of collectively binding decisions, the community should act upon. Conflict in democracy, Mouffe claims, serves an “integrative role” since it “calls for a confrontation between democratic positions, and ... requires a real debate about possible alternatives.”³⁵⁴ The political realm of democracy consequently, must provide a space in which citizens are free, equal, and empowered to constitute a collective will and collectively binding decisions. Barber argues that “politics” in a strong democracy includes “the art of engaging strangers in talk and of stimulating in them an artificial kinship.”³⁵⁵ While he develops a democratic program that favors talk, the constitutive nature of the political community, privileges a particular type of talk, rhetoric. As such, authentic democracy is a rhetorical democracy in which a democratic rhetoric is practiced.

Compelling the necessity for governance are public problems productive of the need for collectively binding decisions that endeavor toward solutions representative of the common good. Central to a public problem is an ambiguity confronting the

³⁵² Barber, *Strong Democracy*, 129.

³⁵³ Barber, *Strong Democracy*, 121.

³⁵⁴ Mouffe, *The Democratic Paradox*, 113-114.

³⁵⁵ Barber, *Strong Democracy*, 189.

community or a contention dividing the people. A public problem is a unique type of problem in that its impact is perceived to have some significance for the association of the people. A public problem is one that impedes the ability of the people to realize equality, liberty, power, community, and/or their happiness. Public problems, like “every human problem” as Frantz Fanon points out, “must be considered from the standpoint of time.”³⁵⁶ As such, a public problem needs to be understood also as *contextualized* and *particular*. A public problem is always already contextualized or situated in time and space –historically, culturally and socially– and it is this particular contextualization that shapes the citizenry’s desire to address the problem collectively, their determination of the common good in relation to it, and how they can achieve that common good for the community.

A public problem is particular in that as a problem it is peculiar to the citizenry and their historical, cultural, and social composition; making its members uniquely qualified to decide how to address it publically. As an ambiguity, a contextualized particular can be veiled in three ways. First, the citizenry does not consider a contextualized particular problematic and therefore it needs to be made present to their awareness before public attention is deemed warranted; like a whistleblower bringing to light that which is meant to be hidden from public view. It is also possible that due to the plurality of the citizenry, most may consider its significance as not meriting public action, while for certain citizens the public nature of the contextualized particular is unquestionable; an example would be when a policy, like standardized testing, privileges

³⁵⁶ Frantz Fanon, *Black Skin, White Masks*, trans. Charles Lam Markmann (New York: Grove Press, 1967), 12-13.

the success of certain groups over that of others. In the final instance of ambiguity the contextualized particular is known as a public problem that necessitates public attention and cooperative action, but the possibilities for how the public should proceed are unknown, thus potential policies must be generated and brought to light for these generally emergent and unique problems; for instance, the discussions of President Kennedy's advisors to generate responses to the Cuban missile crisis. In regards to contention, the citizenry's attention might very well be riveted on the contextualized particular but they are conflicted over what collectively binding decision actualizes a collective will representative of their individuated public wills. In democratic rhetoric the citizen considers his or her relation to the contextualized particular, the citizenry's interpretation of it, and/or the sources of contention between them to inform his or her use of rhetoric. Thus, engagement of a public point of ambiguity or contention is limited structurally, primarily through the mediating influence of persuasive communication.

Foundation of Rhetoric for Democratic Rhetoric

Communicative acts that entreat a citizen to consider his or her private or public will, influential of the formation of a collective will, and constitutive of a collectively binding decision addressing a particular concern, are rhetorical engagements within a rhetorical event. A citizen's rhetorical engagement within a rhetorical event seeks to modify a particular ambiguity or contention that is embedded in the community, in order to alter its reality in accord with his or her desire.³⁵⁷ These claims rest upon a particular meaning for rhetoric and are related to specific ways for and contexts in which rhetoric is

³⁵⁷ Richard Vatz, "The Myth of the Rhetorical Situation," *Philosophy and Rhetoric* 6, no. 3 (July 1973): 156.

employed. Over the millenniums rhetoric has taken on many meanings and yet at its center is the conception that it is both the “the means of persuasion”³⁵⁸ –the how to engage an audience of others– and the “art of persuasion.”³⁵⁹ As an art its foundational purpose is “to form attitudes or to induce actions in other human agents”³⁶⁰ through the employment of symbols as “a mode of altering reality.”³⁶¹ Its power to *alter reality* begins with how it instigates a shift in the way individuals relate to reality through what it foregrounds, what it highlights as needing attention.

In “soliciting attention” it simultaneously creates an opening “by driving a wedge between subject and object”³⁶² and attempts to establish the presence of a particular persuasive appeal by “isolat[ing] it”³⁶³ from competing appeals. When focused on a public problem, rhetoric addresses “*in ways appropriate to a particular public in a particular situation*”³⁶⁴ possible futures for directing the citizenry “either to do or not do

³⁵⁸ Aristotle, *Rhetoric*, trans. W. Rhys Roberts, (Mineola, NY: Dover Publications, 2004), 6.

³⁵⁹ Burke, *The Rhetoric of Motives*, 46; and Aristotle, *Rhetoric*, 6-7.

³⁶⁰ Burke, *The Rhetoric of Motives*, 41.

³⁶¹ Lloyd Bitzer, “The Rhetorical Situation,” *Philosophy and Rhetoric* 25, S4 (1992): S3.

³⁶² Henry W. Johnstone, Jr., “Rhetoric as a Wedge: A Reformation,” *Rhetoric Society of America* 20, no. 4 (October 1990): 333.

³⁶³ Chaim Perelman and Lucie Olbrechts-Tyteca, *The New Rhetoric: A Treatise on Argumentation*, trans. John Wilkinson and Purcell Weaver (Notre Dame: Notre Dame University Press, 1971), 16.

³⁶⁴ Young, *Inclusion and Democracy*, 67.

something”³⁶⁵ through specific proposals. An individual who commits to presenting his or her solution to a contextualized particular reveals his or her understanding of the public problem in question. As Michael Hyde argues:

Rhetoric offers an interpretative understanding of this world; it articulates and thus makes explicit something about how people are faring (‘dwelling’) in their everyday relationships with things and with others and how they might think and act in order to understand better and perhaps improve a particular situation.³⁶⁶

Through rhetorical engagements, communicated in the presence of an audience, an individual attends to “the practical consequences – the meanings to persons involved – of the human relations”; in that the “one who speaks rhetorically chooses to inaugurate and to try to sustain until attainment of a purpose a series of events in human relations.”³⁶⁷ As such, rhetoric is always relational, constituting relationships through the maintenance of existent connections and/or establishing new connections and bonds with (un)familiar others.

Rhetoric establishes and distinguishes the nature of the relationship between the individual engaging in a rhetorical engagement and an audience through its acknowledgment of their presence as participants. “Acknowledgment,” Hyde contends, “is a conscious act of creation that marks an origin, a beginning, an opening in space-time where people can feel at home as they dwell, deliberate, and know together.”³⁶⁸ Rhetoric here functions democratically through naming the addressed participants as members of

³⁶⁵ Aristotle, *Rhetoric*, 13.

³⁶⁶ Michael J. Hyde, *The Life-Giving Gift of Acknowledgment (A Philosophical and Rhetorical Inquiry)* (West Lafayette, IN: Purdue University Press, 2006), 66-67.

³⁶⁷ Arnold, *Oral Rhetoric, Rhetoric, and Literature*, 172.

³⁶⁸ Hyde, *The Life-Giving Gift of Acknowledgment*, 10.

the community and holders of either positions of congruity, neutrality or conflict.³⁶⁹

Acknowledgement indicates: a new beginning; the dignity of the others as equal, free and empowered actors;³⁷⁰ a relationship and potentiality for positioning and transforming the nature of the relationship;³⁷¹ and who is included in the collectively binding decision-making process. On the other hand, the lack of acknowledgment within rhetorical, democratic engagement also is telling, turning its positive potentialities into negatives. Through acknowledgment's power individuals or groups can initiate a rhetorical engagement of others, generative of a hospitable or hostile space that is conducive of either authentic or inauthentic democracy. Through these attributes, directing attention and acknowledging others, rhetoric can subtly or radically alter a person's perception of reality.

The capacity of rhetoric to alter reality reaches its culmination in bringing people to a decision or judgment regarding a probable and provisional satisfactory solution for a contextualized particular.³⁷² Poetically describing rhetoric, Burke argued that it "is *par excellence* the region of the Scramble."³⁷³ When divided individuals, recognize a societal need they attempt to persuade one another of the merits of one means to meet that need over another. In the *scramble* of a political *clash*, rhetoric attends to and is the means "of

³⁶⁹ Young, *Inclusion and Democracy*, 59.

³⁷⁰ Young, *Inclusion and Democracy*, 59.

³⁷¹ Young, *Inclusion and Democracy*, 59.

³⁷² Young, *Inclusion and Democracy*, 69.

³⁷³ Burke, *The Rhetoric of Motives*, 19.

persuasive speech.”³⁷⁴ During a rhetorical engagement, to persuade a citizenry of the merits of one proposal over others, an individual needs to create an actual or perceived sense of identification.

Identification is a joining of citizens’ interests³⁷⁵ by foregrounding similarities and providing a “bridge”³⁷⁶ across difference. It is through rhetoric that identification bonds individuals together through similar attitudes that lead to cooperative acts. At the heart of identification are the ideas of substance and consubstantiality. “Substance,” according to Burke: “was an act; and a way of life is an acting-together [consubstantiality]; and in acting together, men have common sensations, concepts, images, ideas, attitudes that make them consubstantial.”³⁷⁷ In essence, then identification is rooted in a belief that the proposal an individual advocates presents a common way of acting in the world, based on the common interests shared by the citizenry. It is the purpose of rhetoric to “lead to decisions.”³⁷⁸ Thus, for a citizenry to be empowered to act equally and freely democracy needs to enable rhetorical engagement between its citizens and a particular conflict so that they can persuade one another, up the point of decision, as to which course of action to follow related to a contextualized particular.

³⁷⁴ Aristotle, *Rhetoric*, 89.

³⁷⁵ Burke, *The Rhetoric of Motives*, 20.

³⁷⁶ Henry W. Johnstone Jr. and Mari Lee Mifsud, “Wedge and Bridge: A Note on Rhetoric as Distinction and as Identification,” *RSQ: Rhetoric Society Quarterly* 29, no. 2 (April 1999): 76-77.

³⁷⁷ Burke, *The Rhetoric of Motives*, 21.

³⁷⁸ Aristotle, *Rhetoric*, 89.

For Lloyd Bitzer the contextualized particular functions as an exigence –“some specific condition or situation”³⁷⁹ considered “an imperfection marked by urgency”– and is that “which invites utterance”³⁸⁰ or rhetorical engagement. In the art of rhetoric, as in any art, a contextualized particular, stimulant of a citizen’s attention, appears to the individual “demand[ing] ... effective power.”³⁸¹ This agrees with Quintilian’s position that rhetoric addresses “the subjects that come before”³⁸² it and its “material ... is everything that may come before [it] for discussion.”³⁸³ Yet, while appearance or demands are important for securing attention, it is one’s perception that constitutes the interpretation of the contextualized particular that drives if and how one will attend to it. Perception and interpretation guides the citizen’s attention as to “*what* [one] believe[s] she / he [i]s responding to, *why*, and in conversation with *whom*.”³⁸⁴ It is in the tension between, not only the questions of “what is to be modified” and “who is to be

³⁷⁹ Bitzer, *The Rhetorical Situation*, S4.

³⁸⁰ Bitzer, *The Rhetorical Situation*, S6-S7.

³⁸¹ Martin Buber, *I and Thou*, 2nd ed., trans. Reinhold Niebuhr (London, Continuum Impacts, 2008), 16.

³⁸² Quintilian, “Institutes of Oratory.” In *The Rhetorical Tradition: Readings from Classical Times to the Present*, 2nd ed., eds. Patricia Bizzell and Bruce Herzberg (Boston: Bedford/St. Martin’s, 2001), 399.

³⁸³ Quintilian, *Institutes of Oratory*, 398.

³⁸⁴ Neil R. Leroux, “The Rhetor’s Perceived Situation: Luther’s *Invocavit* Sermons,” *RSQ: Rhetoric Society Quarterly* 28, no. 1 (January 1998): 53.

addressed,”³⁸⁵ but also why the contextualized particular is being addressed and to what end that structures a particular employment of the rhetoric.

Whether a citizen who, through the investigation of the rhetorical art and technique, is considered competent or as lacking s/he employs the rhetorical complex, which is inherent to any use of rhetoric. Before proceeding to an explication of the rhetorical complex the question of competency merits a brief discussion. Competency in rhetoric comes through honing one’s skills in its principles and practice, and while formal inquiry can lead to excellence, “ordinary people” through “random” forays “or ... practice” –recognizing causality (this appeal has led to a good affect whereas this has not)– constitute a “habit”³⁸⁶ of rhetorical competence. This is seen early on in the rhetorical engagements of a child. Desirous of a particular end, the child builds a repertoire of rhetorical skill, when confronted with a failed attempt at procuring the end, through continual fresh attempts to arrive at success until the end is finally attained. Certainly there is slippage, due to proficiency of recalling related successful attempts and contextual factors, but those causes achieving the goal with consistency build a systematic understanding of competent rhetorical appeals. These competent appeals, exhibit an ideological component, as the sanctioning agent carries into the rhetorical engagement a particular set of beliefs about how to judge and act in light of the request. The sanctioning agent’s response is informed and shaped by the relevant ideological beliefs s/he or they hold. Therefore to produce a favorable result, a citizen through

³⁸⁵ Bitzer, *The Rhetorical Situation*, S7.

³⁸⁶ Aristotle, *Rhetoric*, 3.

rhetorical engagement must structure his or her rhetorical appeal to address the expectations found in the ideological environment; an environment constructed through the communication within one's greater and familiar social worlds.

The components of any rhetorical appeal, commonly referred to as the five canons of rhetoric, involves "Invention, Arrangement, Style, Memory, and Delivery."³⁸⁷ The tradition term canons can create a silo(ing) affect or impression and so here the phrase rhetorical complex will be employed instead as a means to emphasize the interconnections between the canons. Every (in)competent public rhetorical engagement accesses these components either through the preparation or performance of the message. In short:

- Invention "is the devising of the matter ... [to] make the case convincing."
- Arrangement addresses the organizational structure of the message.
- Style involves "adapt[ing]" the appeal of the message to the rhetorical situation.
- Memory is now implicative of any technological tool used to assist in remembrance.
- Delivery refers to how a message and its persuasive appeal is conveyed to an audience.³⁸⁸

In democratic rhetoric, each aspect of the rhetorical complex has significance for a citizen's rhetorical engagement of the citizenry in relation to a contextualized particular.

³⁸⁷ Cicero, *Ad C. Herennium: De Ratione Dicendi (Rhetorica Ad Herennium)*, trans. Harry Caplan (Cambridge, MA: Harvard University Press, 1964), 3.

³⁸⁸ Cicero, *Ad C. Herennium*, 3.

What one is to argue (invention), how the argument is to be formed (arrangement) and articulated (style) and conveyed (memory and delivery) flow out of the process of invention. For it is not just in what one chooses to advocate that invention resides, but its effects in how to arrange one's points, how to stylize those points through their articulation and delivery in order to facilitate their best chance for a full hearing and consideration, also should be felt and realized. Consequently, invention's critical role and potentiality in the process of rhetorical engagement that warrants deeper analysis in order to further explicate the nature of democratic rhetoric.

Invention is a multifaceted process that takes one through two phases of deliberation; distinguished from each other in that the first phase seeks to narrow preference to an end desired and the second orients the end to existent conditions for public evaluation. Put more simply, the first phase relates to one's private will, whereas the second is productive of the public will. It is in the thought of John Dewey on ends and deliberation that the process of invention is grandly elucidated. Through a little free play in the interpretative process it becomes possible to appropriate his insights in these areas in order to apply them to a rhetorical frame.

Invention first needs to be understood in light of the paradoxical nature of an end or aim. Dewey succinctly claims "that an end is a device of intelligence in guiding action, instrumental to freeing and harmonizing troubled and divided tendencies."³⁸⁹ An end is an aim through which a present act is imaginatively "thrown back upon itself" in deliberation to discover ways of acting in the "present" according to means that "would

³⁸⁹ John Dewey, *Human Nature and Conduct: An Introduction to Social Psychology* (New York: The Modern Library, 1957), 214.

afford satisfaction.”³⁹⁰ The paradox is that an end provides deliberation with both a point of closure and “turning points in activity.”³⁹¹ Both are found in “terminals of deliberation”³⁹² that act as an end –“directive stimuli to present choice”³⁹³– and a beginning –“perforce beginnings”³⁹⁴– when understood through the metaphor of traveling. At a terminal one has arrived at a destination –a point of rest– and a point of transfer –action– or “redirecting pivots”³⁹⁵ in which the journey begins, begins anew or continues.

To imaginatively reflect on invention consider that it starts at a terminal from which a particular destination –an end terminal– is sought even though the route is yet to be determined. Along the various paths to the destination what is encountered along the way can alter the travel, resulting in new terminals opening up even further possible corridors. In arriving at the original destination, its terminal functions as a place of rest or cessation from invention and therefore throws the person into action. It must be remembered though that every terminal always includes the possibility for further travel. In this way terminals or ends are actually “endless ends” with “no fixed self-enclosed

³⁹⁰ Dewey, *Human Nature and Conduct*, 216.

³⁹¹ Dewey, *Human Nature and Conduct*, 207.

³⁹² Dewey, *Human Nature and Conduct*, 207.

³⁹³ Dewey, *Human Nature and Conduct*, 211.

³⁹⁴ Dewey, *Human Nature and Conduct*, 210.

³⁹⁵ Dewey, *Human Nature and Conduct*, 209.

finalities”³⁹⁶ and yet every closure –terminal point or choice– to invention –productive of arguments– can also become generative of a new terminal for future deliberation. In framing invention the end becomes the aim of a rhetorical engagement, which is arrived at through deliberation.

Confronted with a contextualized particular an individual *stands before* a problem that induces deliberative thought. As Dewey posits, “the occasion of deliberation” is found in the “stimulus” of a “future” end shrouded by “confusion and uncertainty in present activities.”³⁹⁷ To “experiment”³⁹⁸ with possible means to resolve this lack of satisfaction with a problem in one’s world, an individual entertains solutions through deliberation. The act of deliberating refers to “a dramatic rehearsal (in imagination) of various competing possible lines of action.”³⁹⁹ In this *dramatic rehearsal*, a person imaginatively constructs the ambiguity or contention so that s/he can investigate –walk through– where certain courses “of possible action” will lead –the expectant triumphs or trials encountered along the way– and their affect(s) or end. As each new course is investigated, the objects –that “which objects”⁴⁰⁰– discerned, are registered in a mental account as beneficial or as a hindrance. Objects are what we imagine will make the travel toward the end easier, that *stand with* or are congruent and harmonizing. Or they can be

³⁹⁶ Dewey, *Human Nature and Conduct*, 215.

³⁹⁷ Dewey, *Human Nature and Conduct*, 194.

³⁹⁸ Dewey, *Human Nature and Conduct*, 179.

³⁹⁹ Dewey, *Human Nature and Conduct*, 179.

⁴⁰⁰ Dewey, *Human Nature and Conduct*, 179-180.

that which *stands against* feasibly following the course to the end. Through playful engagement with the objects of benefice or hindrance an individual modifies the course until the mind “finds a way fully open”⁴⁰¹ to the end. Once a path that is thought to have impediments completely or sufficiently removed is discovered, deliberation “ceases” with the culmination of a “choice, decision.”⁴⁰² Choice, representative of “what we *really* want” provides the “decisive direction of action”⁴⁰³ through which the problem is addressed. Therefore, deliberation engages one’s own preferences or “biases,” “stimulative” of “one direction rather than another,” in “a search for a *way* to act.”⁴⁰⁴ Deliberation and choice then are productive of a transitive position that can stand as either a state of strong private will or weak public will.

While Dewey highlights and positions choice as the transitional point to indicate the move from deliberative invention to action, choice actually riddles the deliberative act. Each time the mind comes to an object a decision is made regarding its value and how to respond to it. In considering questions of value the individual creates a distance between the object and the self to determine through self-reflection its significance. Consideration of the object is determinant of its value and forges an opportunity to address if it warrants attention and if so, how to deal with it. Is the benefit associated with the object imperative to preserve, or is it such that if the decided upon path includes or

⁴⁰¹ Dewey, *Human Nature and Conduct*, 181.

⁴⁰² Dewey, *Human Nature and Conduct*, 181.

⁴⁰³ Dewey, *Human Nature and Conduct*, 181.

⁴⁰⁴ Dewey, *Human Nature and Conduct*, 181-182.

passes it by it is of no matter? Does the object present an irresolvable impediment that makes the course untenable or is its presence justifiable, to which attention to it can successfully modify? Deliberative invention invites a person into self-reflection that leads to willing and as such is productive of an individual's agency relating to a public, contextualized particular.

The private will is found in its truest, yet weakest form, when a present problem is noticed as a problem and in noticing a person says, "this is not how it should be, it should be like this." This initial response can be nearly simultaneous as it pulls from held preferences and hopes to generate a desired end or it can even evolve out of thorough deliberative invention. In either case, when deliberation's resources are predominately limited to preferences and hopes, Dewey argues that the arrived at end is merely a "fancy."⁴⁰⁵ A fancy begins with "an emotional reaction against the present state of things and a hope for something different."⁴⁰⁶ Hope is both generative –like an end can be– and guiding in that it supplies the motivating belief that even though the action found in the current state is deficient, it can actually be modified so as to be satisfying, leading to satisfactory results. Combined, one's preferences and hope gestates the "it should be like this" idea and invents a means to express one's private will in relation to an ambiguity or contention.

⁴⁰⁵ Dewey, *Human Nature and Conduct*, 217.

⁴⁰⁶ Dewey, *Human Nature and Conduct*, 216.

Dewey pushes beyond fancy to speak of how “invention operates” when “old consequences are enhanced, recombined, modified in imagination”⁴⁰⁷ for the purpose of being an aim. The transformation of a fancy into an aim is dependent on adding to the resource list the current context and memory. An aim is constituted “only when [a fancy] is worked out in terms of concrete conditions.”⁴⁰⁸ Found in memory or recorded history, a past answer to a problematic similar to the current situation is looked to as a means for understanding the current “sequences of [the] known cause-and-effect.”⁴⁰⁹ The past answer, “projected into the future”⁴¹⁰ is applied to the situation “to generate a like result.”⁴¹¹ Applying a past answer to a current concrete context entails combining the fruitful aspects of both. Stripping away from the past answer that which does not translate to the current context, filling in those areas that call for different means and incorporating the specificity of the contextualized particular give an aim a “definite form and solid substance,” a “practicality” that “constitute it [as] a working end.”⁴¹² Deliberation on a current problematic rooted in ambiguity or contention, imaginatively invents an end and means to improve the situation; first through a phase that draws upon one’s preferences and hopes and then by adding knowledge of past similar occurrences and the concrete

⁴⁰⁷ Dewey, *Human Nature and Conduct*, 209.

⁴⁰⁸ Dewey, *Human Nature and Conduct*, 217.

⁴⁰⁹ Dewey, *Human Nature and Conduct*, 217.

⁴¹⁰ Dewey, *Human Nature and Conduct*, 217.

⁴¹¹ Dewey, *Human Nature and Conduct*, 217.

⁴¹² Dewey, *Human Nature and Conduct*, 218.

attributes of the current context. In the first phase the private will in a weak form leads a discovery of one's preferences and hopes, transitions into a strong private will or weak public one, and then through the second phase shifts into a public will, ready for public articulation and scrutiny.

Deliberative invention, constructed from Dewey's insights, pulls from personal preferences, hopes, past answers and present concrete context to construct how one decides to act in relation to a contextualized particular. This view resembles and enhances the more familiar rhetorical notion of invention that "involve(s)," in Young's estimation, "attention to the particular audience of one's communication, and orienting one's claims and arguments to the particular assumptions, history, and idioms of that audience."⁴¹³ The process of deliberative invention then needs to include drawing upon, in Bitzer's incomplete summation, the "persons, events, objects, and relations,"⁴¹⁴ as well as the tradition and "historical conditions" in which the rhetorical engagement is embedded. These resources are productive of the "beliefs, attitudes, documents, facts, traditions, images, interests, motives and the like," that a citizen can employ in attempt to elicit the "decision and action ... [necessary] to modify"⁴¹⁵ a contextualized particularity. Aristotle contends that an individual "must know some, if not all, of the facts" related to the contextualized particular, or else there will be "no materials out of which to construct

⁴¹³ Young, *Inclusion and Democracy*, 65.

⁴¹⁴ Bitzer, *The Rhetorical Situation*, S8.

⁴¹⁵ Bitzer, *The Rhetorical Situation*, S8.

arguments.”⁴¹⁶ The summary list of inventional resources are sources from which a citizen develops the “topics” or “‘places’ – issues, values, commitments, beliefs, likelihoods” generative of and acting upon, in Michael Hyde’s view, the community’s “common sense.”⁴¹⁷ By knowing the resources, sources, and sense of the common the citizen then is able to invent the appeals to be utilized. It is in invention that a citizen considers “the actual creating of narratives and arguments”⁴¹⁸ that will be influential for potentially achieving his or her desired end. For a desired end to be persuasive though, one needs to attend to the influence of the plurality of the community in order to invent the rhetorical appeals necessary to democratic rhetoric and an authentic expression of democracy.

This understanding of invention rests upon a particular conception of how a society is formed through communication. To invent persuasive appeals relating to a contextualized particular a citizen draws upon resources, sources, and sense of the common rooted in the ongoing construction of a society’s macro- and micro-culture(s). It is in understanding culture as a construct of communication and communication as constituted through culture that gives significance to and necessitates the relationship between rhetoric and democracy in its authentic form. The notion that culture is relational and interactively constructed through communication is one that has emerged through the work of various scholars. While one scholar would provide a prosperous perspective; to

⁴¹⁶ Aristotle, *Rhetoric*, 98.

⁴¹⁷ Hyde, *The Life-Giving Gift of Acknowledgment*, 70.

⁴¹⁸ Hyde, *The Life-Giving Gift of Acknowledgment*, 70.

develop a nuanced understanding of rhetoric's significance for the constitution of society and culture a projection of the societal space in which a culture appears requires an imaginative interweaving of the contributions of many.

From Symbols to Culture and Back Again

Symbols

Interpreting human nature and the nature of society provides a way of knowing what is essential for authentic governance, and yet it does not foster an understanding of how human beings and their societies are constituted. This understanding arises only when humanity's dependency on and relationship to symbols is recognized as its preeminent characteristic, for human beings exist "in a symbolic universe."⁴¹⁹ This is not to diminish the stark actuality that humans live within nature or material reality, for human beings are born and caught up into the cradle of possibilities and constraints found in the physical universe; but it is to emphasize that people have a "drive to make sense out of experience, to give it form and order" through "symbolic activities" that enable them to "live in a world" that they need "to understand."⁴²⁰ Clifford Geertz contends that the need for the symbolic is just "as real and as pressing as the more familiar biological needs"⁴²¹ and perhaps more significantly that "symbols" actually "are prerequisites" for

⁴¹⁹ Ernst Cassirer, *An Essay on Man: An Introduction to a Philosophy of Human Culture* (Toronto: Bantam Books, 1970), 27.

⁴²⁰ Clifford Geertz, *The Interpretation of Cultures: Selected Essays* (New York: Basic Books, 1973), 140-141.

⁴²¹ Geertz, *The Interpretation of Cultures*, 140.

“our biological, psychological, and social existence.”⁴²² Through “symbolic expression” life breaks free, according to Ernst Cassirer, of “the limits of [its] biological needs and ... practical interests.”⁴²³ It is through the ability to symbolize that one gains “access to the ‘ideal world’”⁴²⁴ made available through thought. Thought itself is an “internalized conversation,” according to Geertz, that is reflective of those “external conversations ... we carry on with individuals” and therefore thinking “is basically both social and public.”⁴²⁵ This means that thought, as George Mead argues, transpires “only in terms of ... significant symbols.”⁴²⁶ Through the symbolic, individuals are able to satisfy their drive for *understanding*, think “relational[ly],”⁴²⁷ are “disengaged from ... mere actuality [to] ... impose meaning upon experience,” which then is productive of “human knowledge.”⁴²⁸ In the symbol, the reality of nature, the material, and the physical universe and its laws, “no longer ... confront” individuals “immediately.”⁴²⁹ Instead the *symbolic universal* of human existence mediates between the individual and his or her experience of it and the world s/he lives in.

⁴²² Geertz, *The Interpretation of Cultures*, 49.

⁴²³ Cassirer, *An Essay on Man*, 45.

⁴²⁴ Cassirer, *An Essay on Man*, 45.

⁴²⁵ Geertz, *The Interpretation of Cultures*, 45.

⁴²⁶ Mead, *Mind, Self, and Society*, 47.

⁴²⁷ Cassirer, *An Essay on Man*, 41.

⁴²⁸ Cassirer, *An Essay on Man*, 62.

⁴²⁹ Cassirer, *An Essay on Man*, 27.

The *symbolic universe* is one that is “largely given”⁴³⁰ as each individual is born into an established –historical– system of socially constructed and circulating symbols. Analysis of a symbol, freezing it in time and space, is revealing of its general characteristics while also obscuring the dynamism of symbols in use. Consequently, it is imperative to be mindful that a symbol, rooted in a particular context, flows along a stream continually fed by a symbolic system. Prior, concurrent, and beyond the course of a lifetime an individual finds that symbols floating upon this stream “remain, with some additions, subtractions, and partial alterations.”⁴³¹ Rooted and yet dynamic, the development of the symbol has allowed human beings to “make a sharp distinction between real and possible, between actual and ideal things.”⁴³² Its first characteristic generated through and generative of social processes is representative of a symbol’s “functional value.”⁴³³

Symbol’s functionality, as noted by Mead, is realized through their enabling characteristic “to make adjustment possible among the individuals implicated in any given social act with reference to the object or objects with which that act is concerned.”⁴³⁴ In other words, when an individual is desirous to engage with others

⁴³⁰ Geertz, *The Interpretation of Cultures*, 45.

⁴³¹ Geertz, *The Interpretation of Cultures*, 45.

⁴³² Cassirer, *An Essay on Man*, 62.

⁴³³ Cassirer, *An Essay on Man*, 35.

⁴³⁴ Mead, *Mind, Self, and Society*, 46.

“deliberatively” or “spontaneously,” with “an end in view,”⁴³⁵ s/he must symbolically express that desire, which is then generative of an emotional, orientational, or actionable adjustment within that social context. For Mead, a “significant symbol” serves to “arouse,” in both the person employing it and those others to which it is directed (or pushing further those who attend to it), “the same response.”⁴³⁶ In his construction then a symbol is a stimulus and a response.⁴³⁷ Using a symbol, a person stimulates or “calls out”⁴³⁸ a certain attitude for both s/he and the person addressed, productive of a response or reaction within a particular social situation. As a means of arousal, the symbol awakens in an individual his or her consciousness by “mak[ing] him conscious of their [his or her and the other’s] attitude toward”⁴³⁹ it. Consequently, the use of a symbol allows one through reflection to make future (re)adjustments.⁴⁴⁰ To frame this insight into symbols more succinctly, symbols are arousal agents that act as “‘designators’,”⁴⁴¹ stimulant of particular attitudes that call for certain responses.

⁴³⁵ Geertz, *The Interpretation of Cultures*, 45.

⁴³⁶ Mead, *Mind, Self, and Society*, 47.

⁴³⁷ Mead, *Mind, Self, and Society*, 43.

⁴³⁸ Mead, *Mind, Self, and Society*, 71-72.

⁴³⁹ Mead, *Mind, Self, and Society*, 46.

⁴⁴⁰ Mead, *Mind, Self, and Society*, 46.

⁴⁴¹ Cassirer, *An Essay on Man*, 35.

For a symbol to achieve this functionality, it must also share communally a sense of “universal[ity]”⁴⁴² and “uniformity”⁴⁴³ so that “the idea behind” the symbol “arouses that idea in the other.”⁴⁴⁴ Without this universal and uniform characteristic symbols would not convey to any other the idea, attitude or response desired. This sense of universality and uniformity is not rigid as a symbol’s plasticity, recalling its dynamic nature, makes reception of it “extremely variable”⁴⁴⁵ and marked by “versatility.”⁴⁴⁶ Even those symbols that have *remained* can be received by those addressed as eliciting shades of or different attitudes generative of responses unintended by the person who employed it. When this occurs, an individual is awakened to the distinction in how the other is interpreting the symbol, foregrounding the difference and division between the interactants. Consequently, symbol use is productive of (un)certainty. Significant symbols shared across a social landscape create an expectation of certainty –that a certain symbol will stimulate a certain response– and yet the same symbol within that space, but more likely when used with another individual with whom cooperative symbol use has not occurred or is limited, also can create uncertainty which can become a space of learning through ongoing symbolic experimentation.

⁴⁴² Cassirer, *An Essay on Man*, 39.

⁴⁴³ Cassirer, *An Essay on Man*, 40.

⁴⁴⁴ Mead, *Mind, Self, and Society*, 45.

⁴⁴⁵ Cassirer, *An Essay on Man*, 39.

⁴⁴⁶ Cassirer, *An Essay on Man*, 40.

Meaning

Learning to use a symbol is an ongoing process of awakening to an awareness of the attitudes and responses particular symbols produce. To clarify this point, a symbol becomes significant when a community of people learn what it symbolizes or means as a code for the attitudes and responses it is to stimulate. Expressive of this claim, Cassirer held that “a symbol is a part of the human world of meaning”⁴⁴⁷ and Geertz stated that “meanings can only be ‘stored’ in symbols.”⁴⁴⁸ This is especially true, according to Mead, when a symbol is significant or when a symbol is “internalized” to “have the same meaning for all individual members of the given society or social group.”⁴⁴⁹ From this perspective symbols are constructed socially to convey the meaning of an act; emotional, orientational, or actionable.

The meaning identified with a significant symbol shares and is reflective of the characteristics of symbols. As “the conceptual structures individuals use to construe experience”⁴⁵⁰ meanings function upon “the field of relation between” a symbol employed by an individual “and the subsequent behavior ... indicated”⁴⁵¹ in the response

⁴⁴⁷ Cassirer, *An Essay on Man*, 35.

⁴⁴⁸ Geertz, *The Interpretation of Cultures*, 127.

⁴⁴⁹ Mead, *Mind, Self, and Society*, 47.

⁴⁵⁰ Geertz, *The Interpretation of Cultures*, 313.

⁴⁵¹ Mead, *Mind, Self, and Society*, 75-76.

of an other. In other words, in Dewey's definition, "meaning is a method of action."⁴⁵²

Supporting this contention, Burke makes a similar argument when he states that:

To call a man a friend or an enemy is *per se* to suggest a program of action with regard to him. An important ingredient in the meaning of such words is precisely the attitudes and acts which go with them.⁴⁵³

By communicating a particular symbol to another, one is not only eliciting its meaning, but in affect calling out within the other a desired attitude generative of a specific individual response/act that will facilitate present and future cooperative behavior.

When symbols are expressed they call for a particular response, but they also project a frame of reference for future acts within that social context. All meaning, Mead claims, arises out of the "triadic relation" representative of the symbol, reaction, and "resultant ... given social act."⁴⁵⁴ This understanding of meaning points to a "matrix" from which one meaning employed "develops into [a] field of meaning."⁴⁵⁵ For instance, if an individual, cognizant of a public problem, calls for a particular solution to be placed upon a future agenda for consideration by those empowered to act in the public realm, the call (symbol), if successful, not only achieves its goal (reaction), but also then results in the problem being addressed by those in power when they assemble (resultant given social act). If they accept that it is a problem worthy of a public response they will then provide the requisite corrective to provide what they believe to be a feasible remedy

⁴⁵² John Dewey, *Experience and Nature* (New York: Dover Publications, 1958), 187.

⁴⁵³ Kenneth Burke, *Permanence and Change: An Anatomy of Purpose*, 3rd ed. (Berkeley: University of California Press, 1984), 177.

⁴⁵⁴ Mead, *Mind, Self, and Society*, 80.

⁴⁵⁵ Mead, *Mind, Self, and Society*, 76.

(further future resultant social acts). Thus, when a citizen recognizes a public problem and voices his or her interest in a public resolution for it s/he not only calls out the possibility of future resultant acts, but is also indicating that it is something that would call forth a similar response or action within his or her self.⁴⁵⁶

By introducing a meaning into a particular situation, an individual identifies the desired response as a response s/he would tend to produce as well. In calling someone by an affectionate term, that individual “takes the rôle of the other” believing that the person addressed will respond to the term in a similar attitude that the symbol’s meaning construes within the person who used it. So while the meaning of a symbol allows one to make distinctions productive of distinguishing difference and therefore division, it also is generative of a “common basis”⁴⁵⁷ or identification of how the individual believes s/he would and how those addressed should respond.⁴⁵⁸

While Mead provides a foundation to understand the connection between a symbol or a symbolic system or order and meaning or a field of meaning, Dewey explicates the implications of meaning. Meaning, for Dewey is “primarily ... [an] intent” to act, according to the significance ascribed to the symbols used, through “making possible and fulfilling shared cooperation.”⁴⁵⁹ These social acts arise out of the dual

⁴⁵⁶ Mead, *Mind, Self, and Society*, 72.

⁴⁵⁷ Mead, *Mind, Self, and Society*, 67.

⁴⁵⁸ Mead, *Mind, Self, and Society*, 73-74.

⁴⁵⁹ Dewey, *Experience and Nature*, 180.

nature of meaning; existent in “a property of behaviors, and ... a property of objects.”⁴⁶⁰ Beginning with the later first, as a meaning is circulated within a social group it comes to mark an object’s properties or essence in that it defines what that social group has taken it to be or “*what it is*.”⁴⁶¹ By ascribing and inscribing a thing, person, or event with an essence, the community that has accepted a common symbol to symbolize it, they denote what it means to and within that social group.⁴⁶² Consequently, the symbol and its meaning is not its “real substance of existence,”⁴⁶³ but is an arbitrary social construction that constitutes its parameters in order to render it understandable.⁴⁶⁴ Simultaneously though, when a “*thing* [is] pointed out ... [it] gains meaning,” beyond what it “is at the moment” (essence), connoting or encompassing “its potentiality, as a means to remoter consequence”⁴⁶⁵ (future possible cooperative behaviors). In other words, meaning is generative of an “overt actuality and potentiality, the consummatory and the instrumental,”⁴⁶⁶ or what will be done and the means for its accomplishment. Therefore, meaning points to an object’s character (essence) and its characteristics (potentiality).⁴⁶⁷

⁴⁶⁰ Dewey, *Experience and Nature*, 179.

⁴⁶¹ Dewey, *Experience and Nature*, 182-183.

⁴⁶² Dewey, *Experience and Nature*, 187.

⁴⁶³ Dewey, *Experience and Nature*, 186.

⁴⁶⁴ Dewey, *Experience and Nature*, 183.

⁴⁶⁵ Dewey, *Experience and Nature*, 180.

⁴⁶⁶ Dewey, *Experience and Nature*, 181.

⁴⁶⁷ Dewey, *Experience and Nature*, 180.

From Dewey's understanding of meaning three additional significant insights emerge. First meaning, as noted by Geertz, is a *conceptual structure*, indicating that while it arises out of a social context through interaction,⁴⁶⁸ it is productive of and held in the minds of society's members. As such, Dewey claims that a meaning can be made "operative" beyond the particular context in which it is initially applied, carrying it across "space and time."⁴⁶⁹ The meaning of a social act can be attended to by a person prior to its actuality (in deliberation of an end) or after it has transpired. Second, through the potentiality of a meaning, it also signals "more than mere occurrences" as it indicates the "implications"⁴⁷⁰ associated to an object or event. Taking both of these insights together, meaning then enables "inference and reasoning" since an individual can think through what certain responses and resultant given social acts or cooperative behaviors will likely result from introducing different meanings into particular "human associations."⁴⁷¹ Meanings in this regard become "subject to ideal experimentation" through an individual's capacity to imagine what results various acts, differently "combined and re-arranged"⁴⁷² will possibly produce. Through this process of experimentation then, individuals are able to learn how "some meanings"⁴⁷³ are or will be positively or

⁴⁶⁸ Dewey, *Experience and Nature*, 180-181.

⁴⁶⁹ Dewey, *Experience and Nature*, 166.

⁴⁷⁰ Dewey, *Experience and Nature*, 174.

⁴⁷¹ Dewey, *Experience and Nature*, 174.

⁴⁷² Dewey, *Experience and Nature*, 166.

⁴⁷³ Dewey, *Experience and Nature*, 189.

negatively held by the members of a certain community. This then leads to the third insight noted by Dewey.

Enabling effective experimentation is the consistency that meaning attains through its significant symbol's repetition and circulation. Its character and characteristics are indicative of "comprehensive and persisting ... standardized habit[s], of social interaction."⁴⁷⁴ These "rules" provide for "pattern[s]" of communicative behaviors that are "established by social agreement."⁴⁷⁵ Considering all three of the insights together, a citizen preparing for a public discussion on a contextualized particular is enabled through thoughtful deliberation, possible through symbols, to experiment with different meanings to project how to best construct persuasive appeals that will result in a desired, positive outcome. Similarly, after (or during) such a rhetorical engagement, a citizen can recall the events that transpired, referring to the meanings employed to make beneficial (re)adjustments in future collectively binding decision-making opportunities.

Typically significant symbols and meanings are lost in a sea of spontaneous use that obscures the deep weight they have for humanity. In part this is a result of the flourishing of symbols, becoming a ubiquitous phenomenon within the social space. Since an individual is born into a social world inundated with communication, symbolic orders –languages– are perceived as being natural instead of constructed. Language is the culmination of symbol use and, as Dewey notes, "a natural function of human

⁴⁷⁴ Dewey, *Experience and Nature*, 190.

⁴⁷⁵ Dewey, *Experience and Nature*, 190-191.

associations.”⁴⁷⁶ By ordering the symbols prevalent in a society, making combinations, stringing together multiple symbols, symbol users develop the “strict rules”⁴⁷⁷ that enable language to become operational. As a system of communication⁴⁷⁸ language reflects the attributes of its building blocks: symbols and meanings. Therefore a language exhibits, emphasizes and extends a number of the characteristics attributed to symbols and meanings. Here, then, it is important to attend to those areas of emphasis and extension attributed to language and the communicative conduct it enables.

Language

Building from the sense of uniformity and variability of symbols and meaning, language exhibits a “conservative” effect upon “human culture,”⁴⁷⁹ providing “stability and constancy”⁴⁸⁰ through “general rules”⁴⁸¹ that guide its use and the meaning its symbols ascribe to the social experience. At this formal level, the uniformity regulating societal understandings of language practices make its shared meanings resistant to the deleterious effects of usage by a multitude of individuals over time.⁴⁸² Despite this effect language retains the dynamic nature of symbols as it is “a continuous process” of an

⁴⁷⁶ Dewey, *Experience and Nature*, 173.

⁴⁷⁷ Cassirer, *An Essay on Man*, 249.

⁴⁷⁸ Mead, *Mind, Self, and Society*, 57.

⁴⁷⁹ Cassirer, *An Essay on Man*, 249.

⁴⁸⁰ Cassirer, *An Essay on Man*, 249.

⁴⁸¹ Cassirer, *An Essay on Man*, 158.

⁴⁸² Cassirer, *An Essay on Man*, 249.

“ever-repeated labor of the human mind.”⁴⁸³ Meaning, that since individuals have their “own way”⁴⁸⁴ of (mis)employing language in their day-to-day lives and relationships they manipulate the general rules to match their own styles and needs. Therefore, by communicating with other human beings, individuals reinforce the continuity of meaning, but when making unfamiliar applications they can shift and change meaning as well as (possibly) the general rules of language. Not only then, is the *conservative* effect, but also “change,” as Cassirer claims, “an essential element of language.”⁴⁸⁵

To penetrate deeper into the implications of these attributes, it is necessary to point out what Cassirer claims to be the “principle ... task of human language”; its capacity for “objectification and systematization.”⁴⁸⁶ In providing a system for symbol use, language separates and categorizes symbols and their associated meanings, so that individuals, Mead claims, can “pick out ... hold” and “indicat[e] certain stimuli”⁴⁸⁷ productive of making possible the behavioral response sought out in the other. Utilizing this system, language, notes Dewey, also “serves to register the relationship,” between a meaning(s) and an object, thereby “making it fruitful in other contexts of particular existence.”⁴⁸⁸ This system functions to make “distinction[s] and identification[s]”⁴⁸⁹

⁴⁸³ Cassirer, *An Essay on Man*, 133.

⁴⁸⁴ Cassirer, *An Essay on Man*, 135.

⁴⁸⁵ Cassirer, *An Essay on Man*, 131.

⁴⁸⁶ Cassirer, *An Essay on Man*, 129.

⁴⁸⁷ Mead, *Mind, Self, and Society*, 97.

⁴⁸⁸ Dewey, *Experience and Nature*, 187.

related to the potentiality of the meanings ascribed to a *thing*. In facilitating distinction-making between objects, language serves to establish “all the difference in the world.”⁴⁹⁰ Distinctions driving difference leads to recognition of divisive state of objects in nature. Just as significant, while *things* appear in nature, language awakens one to their possibilities as objects of use. In making an object emerge, individuals become cognizant of it, through objectification, as part of their lived existence.⁴⁹¹ Language therefore allows its users “to carry a set of symbols,”⁴⁹² representative of specific meanings, productive of and corresponding to particular objects, that have been created and arranged by a group of people throughout the history of their ongoing association.

As a means to distinguish and fill the world with objects, language functions as a tool to facilitate understanding, action and transformation. “Language, being the tool of tools”⁴⁹³ says Dewey, is “a form of action”⁴⁹⁴ that provides “a means of concerted action for an end.”⁴⁹⁵ By communicating with others, societal members are able to act in “cooperation” and “modif[y] and regulat[e]” the “activity,”⁴⁹⁶ situation and even the

⁴⁸⁹ Dewey, *Experience and Nature*, 186.

⁴⁹⁰ Kenneth Burke, *Attitudes Toward History*, 3rd ed. (1984), 8.

⁴⁹¹ Mead, *Mind, Self, and Society*, 78.

⁴⁹² Mead, *Mind, Self, and Society*, 54.

⁴⁹³ Dewey, *Experience and Nature*, 186.

⁴⁹⁴ Dewey, *Experience and Nature*, 179.

⁴⁹⁵ Dewey, *Experience and Nature*, 184.

⁴⁹⁶ Dewey, *Experience and Nature*, 179.

members' partnership that makes the action possible. These cooperative acts, are rooted in the ability of one person to understand what another is communicating. "Language," argues Mead, "is simply a process by means of which the individual who is engaged in co-operative activity can get the attitude of others involved in the same activity."⁴⁹⁷ Understanding another rests upon one being able to react "from the standpoint" – "perceive[ing] the thing as it may function in ... [the] experience"⁴⁹⁸ – of the person initiating the communication. Additionally, when a person communicates, s/he "conceives" of the object or act "not only in its direct relationship to himself",⁴⁹⁹ considering it also as the other will relate to it. Dewey summarized this well when he claimed that "understanding is to anticipate together" and "make a cross-reference"⁵⁰⁰ between that which one deems possible in relation to a situation or act through cooperative behavior with an other(s). Inherent to language and communication then is the cognitive process of taking the role of an other, especially when the focus is to elicit a particular social response to a public problem.

The transformative effects of language are productive of the mind, self, objects or situations. Mead argues that the "mind arises through communication"⁵⁰¹ since a person's

⁴⁹⁷ Mead, *Mind, Self, and Society*, 335.

⁴⁹⁸ Dewey, *Experience and Nature*, 178.

⁴⁹⁹ Dewey, *Experience and Nature*, 178.

⁵⁰⁰ Dewey, *Experience and Nature*, 178-179.

⁵⁰¹ Mead, *Mind, Self, and Society*, 50.

mind “is essentially a social phenomenon.”⁵⁰² Within the social nature of human life “the individual becomes self-conscious and has a mind.”⁵⁰³ In society a person recognizes and learns the relations between him/herself and the objects and others found in the world. Through the “social process” inclusive of “social acts” arising from “social interactions” that correlate to “experiences ... in a social context”⁵⁰⁴ a person also comes to recognize how the “social process” can be “modified by the reactions and interactions”⁵⁰⁵ of society’s members. Comprehending that social existence is responsive to one’s communicative behaviors allows for the individual to “reflexive[ly]”⁵⁰⁶ attend to a social act, becoming aware of his or her and the other’s attitude in relation to the act, project and make adjustments, and consider the possible responses. It is in “the turning-back of the experience of the individual upon” oneself, enabled through symbol use, that the “[r]eflexiveness, ... the essential condition, within the social process, for the development of the mind”⁵⁰⁷ is realized. Conscious of the social world, an individual’s conception of his or her self also arises out of the social processes and communication s/he is embedded.

⁵⁰² Mead, *Mind, Self, and Society*, 133.

⁵⁰³ Mead, *Mind, Self, and Society*, 133.

⁵⁰⁴ Mead, *Mind, Self, and Society*, 133.

⁵⁰⁵ Mead, *Mind, Self, and Society*, 134.

⁵⁰⁶ Mead, *Mind, Self, and Society*, 134.

⁵⁰⁷ Mead, *Mind, Self, and Society*, 134.

Awareness of oneself as a self emerges through one's ability to "account" for one's role in and relationship to the social process. In using symbols the person addresses his or her own attitude and response to a particular act. "The organization of the self," argues Mead, "is simply [one's] organization, ... of the set of attitudes toward its social environment – and toward itself from the standpoint of that environment."⁵⁰⁸ This organization is produced through self-reflection, consciously *turning-back* onto oneself the consequence of how one communicates in the social context. Each communicative exchange then, "affect[s] ourselves as we affect others."⁵⁰⁹ Or from Dewey's perspective the power of communication that results in shared "participation ... is a wonder by the side of which transubstantiation pales."⁵¹⁰ In other words, communication makes possible the identification Burke says is part of human nature and existence. When an individual identifies with another through interaction, neither "person," according to Dewey, "remains unchanged."⁵¹¹ Drawing a further conclusion out of these insights –recalling that "if we had not talked with others and they with us, we should never talk to and with ourselves"⁵¹² or in other words think– when a person deliberately engages in thought about a social experience or issue, through the internal conversation s/he transforms him/herself.

⁵⁰⁸ Mead, *Mind, Self, and Society*, 91.

⁵⁰⁹ Mead, *Mind, Self, and Society*, 75.

⁵¹⁰ Dewey, *Experience and Nature*, 166.

⁵¹¹ Dewey, *Experience and Nature*, 204.

⁵¹² Dewey, *Experience and Nature*, 170.

Symbol use, generative of the *mind* and *self*, fosters an *awareness* of internal *attitudes* and desired *responses* that relate to *social acts*; acts that are primarily made possible through the ability to communicate. As an *arousal agent* a symbol *stimulates* an *attitude* in the individual that initiates particular ways of acting: emotional, orientational, or actionable. When these symbols are circulated and communally shared they become *significant* as a form societal expectation of or code for certain shared attitudes and responses. Points of uncertainty within a social space, public concern over public problems in which the course of cooperative action is ambiguous for instance, are areas in which symbolic *experimentation* is most open to the *potentiality* and *change* in the *meanings* that symbols carry. The consequences of meaning, indicate that when a certain meaning is settled upon its effects ripple through the social space in (un)traceable ways through their associated *resultant given social acts*. To achieve these ends though, an individual, engaging in a symbolic expression or communication, has to *reflexively take the role of the other* in order to consider the likelihood that the communicative act will stimulate the attitude and result desired. Without doing so, participants will not achieve *understanding* and therefore be unable to arrive at *cooperative behaviors*. Actual communicative exchanges though allow for a person to (re)test prior conclusion about particular symbolic use to make ongoing *(re)adjustments*. Throughout this dynamic *social process* the individual *awakens* and constructs *distinctions*, *identifications*, and new *possibilities* for action by drawing from and (re)arranging –including and excluding– the existing, learned symbolic order *internalized* in the individual’s mind: a mind constituted through interaction with and consideration of one’s own *standpoint* as well as

that of others. Society and the meanings that suture together its people then, are primarily a result of the symbolic order through which it communicates.

From this perspective, at each step of the process, it should be apparent that this construction of the mind, self, objects and cooperative acts productive of society involves not just communication, but rhetoric.⁵¹³ Generating a shared meaning for a particular symbol dictates that individuals are persuasive in presenting the symbol and its application to particular social contexts. When a symbolic order, language, fixes meaning to symbols, it becomes a means, through the associated stimulants, attitudes, and responses that provide codes for communicative behavior, for persuasively enabling (determining what is possible and acceptable) and constraining (determining what is not possible, discouraged or disallowed) social acts. To persuade a community of others that a particular social, cooperative act will be more satisfactory as a common response to a contextualized particular, an individual must consider what other societal members will perceive as positive or negative stimulants, attitudes and responses in order to influence and generate a desirable reaction to his or her proposal. Additionally, with each rhetorical engagement, societal members experience a transformation of their own thinking and selves, even more so as they prepare for the engagement, reflectively replay the engagement or consider how to make (re)adjustments for future engagements. This understanding also implies that for collectively binding decisions to be truly integrated into a social space and integrative of the citizens their participation in the rhetorical engagement is of paramount significance since it is in the decision-making process that

⁵¹³ Mead, *Mind, Self, and Society*, 254-255.

the citizenry experiments and learns the symbolic meanings that stimulant the decisional outcome or response.

Culture

This story of symbol use is expressive of how symbols, meanings and languages emerge from and are generative of social processes and human associations. It is through “symbolic thought and symbolic behavior,” Cassirer claims, “that the whole progress of human culture is based.”⁵¹⁴ Significant symbols, Mead contends, “aris[e] ... [out of] a universe of discourse [that] is always implied ... as the field within which ... [they] have significance.”⁵¹⁵ When a group of people gather they confront unique problematic social experiences that they must work through by innovating novel social acts responsive to the stimulant of a problematic contextualized particular. Meeting similar challenges members of this social group make (re)adjustments until a particular social act, aligning with their expectations, comes to provide a uniform social response.⁵¹⁶ This process, repeated over a multitude of social situations results in the accrual of a repository of social acts and a language indicative of Mead’s *universe of discourse*. Certainly, there is drift in individual use of a community’s *universe of discourse* for as Mead notes, one’s “common response is one which ... varies with the character of the individual.”⁵¹⁷ Yet each social group,

⁵¹⁴ Cassirer, *An Essay on Man*, 29.

⁵¹⁵ Mead, *Mind, Self, and Society*, 89.

⁵¹⁶ Mead, *Mind, Self, and Society*, 229-230.

⁵¹⁷ Mead, *Mind, Self, and Society*, 261.

producing different “common meanings for all [of their] members,”⁵¹⁸ develop their own understandings of the world and social experiences, thereby forming the basis for and variety of cultures.⁵¹⁹ These cultures with differing symbolic orders –languages– are indicative of the variety of, as Cassirer notes, ““world-perspectives””⁵²⁰ found across the social space of human existence.⁵²¹ In other words, particular symbolic orders, productive of unique universes of discourse, are also generative of a particular point of view for how a people perceive the world through their culture. As Burke claims:

Our minds, as linguistic products, are composed of concepts (verbally molded) which select certain relationships as meaningful. Other groups may select other relationships as meaningful. These relationships are not *realities*, they are interpretations of reality – hence different frameworks of interpretation will lead to different conclusions as to what reality is.⁵²²

Consequently, to reinforce the argument that rhetoric is necessary for not only self-rule, but to provide validation for the claim that authentic democracy rests upon an empowered people it is imperative to drill back down through the end of social action and symbol use –cultures– to the communicative codes influential of the social acts of particular communities.

Individuals living in society with one another generate a way of living or culture that dynamically emerges from their existent, structured social processes. Populated by individuals born into a pre-existing social world, societal members identify with

⁵¹⁸ Mead, *Mind, Self, and Society*, 89.

⁵¹⁹ Mead, *Mind, Self, and Society*, 234-235.

⁵²⁰ Cassirer, *An Essay on Man*, 133.

⁵²¹ Mead, *Mind, Self, and Society*, 320-321.

⁵²² Burke, *Permanence and Change*, 35.

particular social groups and consequently coalesce into distinct associations. Culture entwines society, argues Clifford Geertz, through the “webs of significance ... spun”⁵²³ by its own members. Constructed, culture like a *web* connects a social space, bridging the divide between people for the purpose of providing a place of provision, meaning, and living. It is the source of necessary “information (or misinformation)” that “fill” the “vacuum”⁵²⁴ between humanity’s physiological existence and the means to procure the resources it requires for existence. Using Geertz’s example, while “the capacity to speak is ... innate” the language a person communicates through is “cultural.”⁵²⁵ *Significance* signals that the webs of a culture individually and collectively convey certain publically held consensual meanings: “culture ... is public⁵²⁶ ... because meaning is.”⁵²⁷ Its patterns of meaning “give[s] form ... and direction to ... lives,”⁵²⁸ shaping their “...struggle for the real” in which different social groups “attempt to impose upon the world a particular conception of how things at bottom are and how [societal members] are therefore obliged to act.”⁵²⁹ Defining the norms for communicative behaviors through this ongoing contest between social groups structures how experience is to be interpreted and conveyed.

⁵²³ Geertz, *The Interpretation of Cultures*, 5.

⁵²⁴ Geertz, *The Interpretation of Cultures*, 50.

⁵²⁵ Geertz, *The Interpretation of Cultures*, 50.

⁵²⁶ Geertz, *The Interpretation of Cultures*, 10.

⁵²⁷ Geertz, *The Interpretation of Cultures*, 12.

⁵²⁸ Geertz, *The Interpretation of Cultures*, 52.

⁵²⁹ Geertz, *The Interpretation of Cultures*, 316.

Therefore, to comprehend a culture it is imperative to understand its symbolic order which in turn “exposes [its] normalness” or what a people consider to be common; “render[ing] them accessible ... dissolv[ing] their opacity.”⁵³⁰ Culture, “as interworked systems of construable ... symbols” provides the “context”⁵³¹—ever present, yet lurking beneath a society’s surface— in which the “flow of behaviors – or ... social actions” of others are imbued with shared meanings that relate “an ongoing pattern of life.”⁵³² For as Fanon states, “to speak a language is to take on a world, a culture.”⁵³³ In other words, being born into a symbolic order, inculcated by a society’s meaning making system, means that one exists always already in a culture.

While a human being “begin[s] with the natural equipment to live a thousand kinds of life,” a societal member is constrained by the webs s/he is born into, resulting in him or her “liv[ing] only one.”⁵³⁴ To be caught in a web, the potentiality of a person immersed in the connections that the web entails, seems to posit that culture is primarily a limiting structure. Instead, as the previous analysis of symbolic use and orders reveals, culture should also be conceived of as a productive power. Culture does constrain, but without its “patterns – organized systems of significant symbols,” Geertz contends,

⁵³⁰ Geertz, *The Interpretation of Cultures*, 14.

⁵³¹ Geertz, *The Interpretation of Cultures*, 14.

⁵³² Geertz, *The Interpretation of Cultures*, 17.

⁵³³ Fanon, *Black Skin, White Masks*, 38.

⁵³⁴ Geertz, *The Interpretation of Cultures*, 45.

humanity would be left adrift, “virtually ungovernable”⁵³⁵ as individuals lived a Hobbesian existence as “unworkable monstrosities with very few useful instincts, fewer recognizable sentiments, and no intellect.”⁵³⁶ Transforming monsters into humans, culture sets the stage upon which individuals come to know and recognize their place together in the world through facilitating cooperative behaviors. Its power does not submerge societal members’ individuality into mere expression of a collective self; instead it tangibly actuates “becoming human” through “becoming individual[s]”⁵³⁷ as it allows for each person a place to productively employ their differing natural and learned capacities. For Geertz, (wo)men are essential for culture, “but equally, and more significantly, without culture” there would be “no [wo]men.”⁵³⁸ It is in how individuals come to co-exist together in cooperative behaviors made possible through symbol use and exchange that humans come to distinguish themselves, their potentialities and the necessary conception for knowing how to exist in the world.

In order to persuasively propose cooperative behaviors to rectify a common problem an individual needs to draw from the symbolic order, ethos and worldview of the cultural context. A society’s “organized systems of significant symbols”⁵³⁹ or culture, function, according to Geertz, to provide its “common sense,” emergent from its “ethos”

⁵³⁵ Geertz, *The Interpretation of Cultures*, 46.

⁵³⁶ Geertz, *The Interpretation of Cultures*, 49.

⁵³⁷ Geertz, *The Interpretation of Cultures*, 52.

⁵³⁸ Geertz, *The Interpretation of Cultures*, 49.

⁵³⁹ Geertz, *The Interpretation of Cultures*, 46.

–“approved style of life”– and “world view” –“assumed structure of reality.”⁵⁴⁰

“Congruence” among these building blocks results in “the imaginative universe”⁵⁴¹ that gives the social acts of societal members meaning. What clouds one’s reading of a culture is its *normalness* or what is perceived as natural as the ebb and flow of a (symbolic) sea. It is in “grasping” the particular *symbolic systems*, *ethos* and *worldview* of a people that is generative of an individual’s “familiarity”⁵⁴² with one’s own or another’s culture. Understanding society’s “conceptual world,”⁵⁴³ pushes one beyond just being able to account “realistically and concretely *about*” its people and their acts, it also enables one “to think ... creatively and imaginatively *with* them,”⁵⁴⁴ as well as being able to “converse with them.”⁵⁴⁵

Culture in a heterogeneous society is not monolithic, it is a composite of the various “powerful social groups” that “have powerful social effects”⁵⁴⁶ upon the struggle for what is defined as real. These groups “revere ... celebrat[e] ... defend ... and impose” the core ideas that (re)produce their “intellectual and material” conceptions and

⁵⁴⁰ Geertz, *The Interpretation of Cultures*, 129.

⁵⁴¹ Geertz, *The Interpretation of Cultures*, 13.

⁵⁴² Geertz, *The Interpretation of Cultures*, 13.

⁵⁴³ Geertz, *The Interpretation of Cultures*, 24.

⁵⁴⁴ Geertz, *The Interpretation of Cultures*, 23.

⁵⁴⁵ Geertz, *The Interpretation of Cultures*, 24.

⁵⁴⁶ Geertz, *The Interpretation of Cultures*, 314.

actualities of social “existence.”⁵⁴⁷ To transform a society, a change in its “pattern of social relationships” will reconfigure “the coordinates of the experienced world”⁵⁴⁸ and vice versa. At the institutional level this would mean nullifying or altering currently active establishments or constituting new ones. Especially generative for transformation of a society’s symbolic order and lived experience, from Geertz’s evaluation, are those that involve “politics” as it encompasses “the principal arenas”⁵⁴⁹ productive of cultural meanings. This occurred when the American colonists revolted against British rule, throwing off the authority of the Crown (nullification), to convene a republic ruled by representatives at the State and Federal levels (alteration and constitution). The American Revolution was preceded by and simultaneous with an ongoing shift in the colonists’ symbolic order that highlighted the power of the inhabitants for self-rule and self-governance. Therefore, changing a society’s “structure of meaning”⁵⁵⁰ provides another level to influence changes in the intellectual and material organization of societal experience.

Habitus

Breaking through the cultural layer to social groups involves a metaphoric shift from that of a *web of significance* to space. Conceiving of society as “*space*” emphasizes that its social actors “occupy *relative positions*” as “directly visible beings” who “exist

⁵⁴⁷ Geertz, *The Interpretation of Cultures*, 314.

⁵⁴⁸ Geertz, *The Interpretation of Cultures*, 28.

⁵⁴⁹ Geertz, *The Interpretation of Cultures*, 312.

⁵⁵⁰ Geertz, *The Interpretation of Cultures*, 312.

and subsist in and through *difference*.”⁵⁵¹ Upon a positional plane of existence an individual is a solitary being who “coexist[s]”⁵⁵² in and is connected to society through its inherent relationships.⁵⁵³ Pierre Bourdieu, employing this spatial metaphor, positions individuals on a social plane to explain how one’s “*relational* property” separates and links with the “properties”⁵⁵⁴ of others. Using the metaphor of space facilitates an understanding of society’s “social space”⁵⁵⁵ – “structures of difference”⁵⁵⁶ – through its entailments of “relations of proximity, vicinity, or distance” and “order, such as above, below, and *between*.”⁵⁵⁷ Positing that “the social world is accumulated history,”⁵⁵⁸ Bourdieu, distinguishes social actors through their accrual of differing, operative capitals that provide “a force inscribed in [society’s] objective or subjective structures ... [and] the principle underlying the immanent regularities of the social world.”⁵⁵⁹ It is through the capital(s) that one possesses and accumulates and is given significance in society then

⁵⁵¹ Pierre Bourdieu, *Practical Reason: On the Theory of Action* (Stanford: Stanford University Press, 1998), 31.

⁵⁵² Bourdieu, *Practical Reason*, 31.

⁵⁵³ Bourdieu, *Practical Reason*, 6.

⁵⁵⁴ Bourdieu, *Practical Reason*, 6.

⁵⁵⁵ Bourdieu, *Practical Reason*, 6.

⁵⁵⁶ Bourdieu, *Practical Reason*, 32.

⁵⁵⁷ Bourdieu, *Practical Reason*, 6.

⁵⁵⁸ Pierre Bourdieu, “The Forms of Capital,” in *Handbook of Theory of Research for the Sociology of Education*, ed. John G. Richardson (Westport: Greenwood Press, 1986), 241.

⁵⁵⁹ Bourdieu, *The Forms of Capital*, 241.

that act to construct, influence, differentiate and structure the social world as found in society.

All capital is not valued equally though, as each type of capital comes to be imbued with different symbolical significance within differing cultures. Economic capital –basically “private” ownership “of production”⁵⁶⁰ and accumulated goods– and cultural capital –particular dispositions and practices– form “the *two principles of differentiation*” for “advanced societies.”⁵⁶¹ Using the relations of capital as the defining characteristics of social actors on a social plane points to “a structure of differentiated positions”⁵⁶² that serve as references which allows for the “*making of distinction*”⁵⁶³ between individuals. “Difference,” then, “becomes a sign ... of distinction” that “endow[s one] with categories of perception, with classificatory schemata, with a certain *taste*”⁵⁶⁴ indicative of (dis)similarity. The position of an individual therefore is aligned with positions one takes regarding society, societal members, and social acts.⁵⁶⁵

An individual as a point on the social plane provides one with “*a point of view*”⁵⁶⁶ from which s/he perceives and acts in the social world. From a particular point of view an

⁵⁶⁰ Bourdieu, *Practical Reason*, 16.

⁵⁶¹ Bourdieu, *Practical Reason*, 6.

⁵⁶² Bourdieu, *Practical Reason*, 15.

⁵⁶³ Bourdieu, *Practical Reason*, 9.

⁵⁶⁴ Bourdieu, *Practical Reason*, 9.

⁵⁶⁵ Bourdieu, *Practical Reason*, 7.

⁵⁶⁶ Bourdieu, *Practical Reason*, 12.

individual or social group (mis)recognizes the distance between his, her, or their position and that of others. This point of view, typically shared by others located in close proximity, emerges from a similar disposition or habitus. A habitus' societal function is as a means for the "social conditioning" that is "generative" and reinforcing of a "unit[y] by an affinity of style."⁵⁶⁷ While not determinant of "unity," a habitus does indicate "an objective potentiality of unity," as proximity "predisposes" social actors "to closer relations."⁵⁶⁸ As such, knowing the habitus of an individual or social group, is "predictive of encounters, affinities, sympathies, or even desires"⁵⁶⁹ held by its member toward each other and other social actors within the social space. It is this concept of the habitus that is extremely valuable in comprehending the significance of rhetoric's role in engaging the solid, yet shifting ground of a particular society or community.

Since a habitus, expressive of a particular point of view "produces a form of interest,"⁵⁷⁰ it is instrumental in constructing and sustaining a mutable⁵⁷¹ "unity of style" influential of "choices of persons, goods, practices" that are "distinct and distinctive."⁵⁷² Productive of "different principles" or differing interpretations of communally held interests that an individual or social group employs to make differential decisions, a

⁵⁶⁷ Bourdieu, *Practical Reason*, 7-8.

⁵⁶⁸ Bourdieu, *Practical Reason*, 10-11.

⁵⁶⁹ Bourdieu, *Practical Reason*, 10.

⁵⁷⁰ Bourdieu, *Practical Reason*, 85.

⁵⁷¹ Bourdieu, *Practical Reason*, 32.

⁵⁷² Bourdieu, *Practical Reason*, 8.

habitus discriminates “between what is good and ... bad, ... right and ... wrong, ...distinguished and ... vulgar.”⁵⁷³ Each habitus is “differentiated ... [and] differentiating,”⁵⁷⁴ imputing principal interests that are distinct from other operative habitus and enabling recognition of distinctions between them. In a sense, the goods, practices and tastes of the various habitus of a society “constitute symbolic systems” composed of “*distinctive signs*.”⁵⁷⁵

As a symbol system, the “socialized body” of a habitus “structures the perception of [the] world as well as action in that world.”⁵⁷⁶ How “social agents” engage the social world occurs through the “*practical sense*” rooted in the “acquired system of preferences ... and durable [internalized] cognitive structures and schemes of action”⁵⁷⁷ reflective of one’s habitus. When an individual or social group recognizes a public problem, oftentimes it is the habitus that informs “perception of the situation and the appropriate response.”⁵⁷⁸ Instead of making decisions “with full knowledge of the facts”⁵⁷⁹ a habitus guides the decisions of its group members through “a ‘feel’” that anticipates “what is to

⁵⁷³ Bourdieu, *Practical Reason*, 8.

⁵⁷⁴ Bourdieu, *Practical Reason*, 8.

⁵⁷⁵ Bourdieu, *Practical Reason*, 8-9.

⁵⁷⁶ Bourdieu, *Practical Reason*, 81.

⁵⁷⁷ Bourdieu, *Practical Reason*, 25.

⁵⁷⁸ Bourdieu, *Practical Reason*, 25.

⁵⁷⁹ Bourdieu, *Practical Reason*, 24.

be done in a given situation.”⁵⁸⁰ It does so by casting the principles of differentiation that filter the relationships between the social actors on the social plane into the future; either as the potentiality of a future “*project*” or as “pre-perceptive anticipations” provisional of “practical induction based on previous experience.”⁵⁸¹ These projects and anticipations, generative of expectations, are based in the *acquired dispositions* of a habitus. Therefore, they are typically more substantial in relation to decision-making processes that lead to social, public action than conscious, intentional, deliberative choice.⁵⁸²

Reflective of this claim, Geertz in essence concurs with Bourdieu when he states that “some of the most critical decisions concerning the direction of public life ... are made in the unformalized realms of ... ‘the collective conscience’ (or ‘consciousness’).”⁵⁸³ Like Geertz, who contends that society emerges out of a *struggle for the real*, Bourdieu argues that “the social world, with its division” is “a field of forces” that structures how social actors act “in cooperation and conflict” upon “a field of struggles” when “*collectively*” considering their “contribut[ions] to conserving or transforming [the societal] structure.”⁵⁸⁴ Consequently, proposed public solutions to public problems that fail to account for, acknowledge and incorporate in some way the various habitus of the social space that the collectively binding decision would effect will

⁵⁸⁰ Bourdieu, *Practical Reason*, 25.

⁵⁸¹ Bourdieu, *Practical Reason*, 80.

⁵⁸² Bourdieu, *Practical Reason*, 97-98.

⁵⁸³ Geertz, *The Interpretation of Cultures*, 316.

⁵⁸⁴ Bourdieu, *Practical Reason*, 12, 32.

lack persuasive appeal for those social actors. Worse, a collectively binding decision made without such consideration would appear unintelligible to members of unaccounted for habitus and serve to disenfranchise their public contributions and participation. Such an outcome likely would mitigate or negate support for the necessary social, cooperative behaviors to bring about the desired social end that addresses a problematized contextualized particular.

Bourdieu's analysis of society is based primarily on the metaphor of the social world as space and secondarily as capital. Both are productive for understanding the structure of social relations and the necessity of addressing society's habitus in order to construct persuasive appeals for rhetorical engagements utilized in the context of collectively binding decision-making processes. By employing and emphasizing a spatial metaphor, Bourdieu's contributions favor and establish the primacy of societal division and difference since one of the attributes of space is that an object cannot occupy the same space at the same time.

Communication Communities

Working from a different premise, Gerry Philipsen, builds his approach to society through the connective threads of communication. From his perspective "every person is connected to other people, whether the connection is obvious or subtle, tacit or announced, strong or weak, active or passive, pleasing or repugnant."⁵⁸⁵ Consequently, "a

⁵⁸⁵ Gerry Philipsen, "A Theory of Speech Codes," in *Developing Communication Theories*, eds. Gerry Philipsen and Terrance L. Albrecht, 119-56 (Albany, NY: State University of New York Press, 1997), 119.

universal phenomenon” of human existence is “connections.”⁵⁸⁶ Society as connections, is contextualized and “constructed” by the “situated resources, the discursive resources in and through which the connections between and among people are thematized, constituted or reconstituted, and managed.”⁵⁸⁷ A paradox of human existence then is that emergent out of the symbol order, the situated, discursive resources used by a people, are the unique *webs of significance* –culture– that hold them together and the context that constructs and frames the “communicative conduct” of a society, as Philipsen posits, “is radically cultural.”⁵⁸⁸

As previously explicated, culture is a publically constructed way of imagining human existence; constraining lived possibilities through the context it engenders while also productive of the cooperative behaviors necessary to meet physiological (resource provision) and psychological (individualizing) needs. It does so by providing a discourse effectually universal to a society, generated by and generative of common, consensual meanings that inform its members of its concepts, norms and common sense, which originate from the ethos and worldview that it describes and prescribes. Through these attributes of culture, a society’s heterogeneous social groups engage in a struggle to influence its symbolic order, social relations and institutions so as to conserve or transform it. Philipsen, closely following this conceptualization, summarizes his view of “culture as a code” representative of “a socially constructed system of symbols,

⁵⁸⁶ Philipsen, *A Theory of Speech Codes*, 119.

⁵⁸⁷ Philipsen, *A Theory of Speech Codes*, 119.

⁵⁸⁸ Philipsen, *A Theory of Speech Codes*, 124.

meanings, premises, and rules.”⁵⁸⁹ Out of a culture then arise the symbolic order employed by societal members to convey its conceptualization of the world and thereby what it sanctions and censures. While Philipsen delimits his theoretical insights, based on his empirical research, to speech and therefore refers to his theory as speech codes, it is possible and productive to push beyond this limitation by applying his contributions to communicative conduct in general. Communication codes then, of a particular people, are generative of and generated by the codes found in their culture.

A code functions by putting its “particular elements” (symbols, meanings, premises, and rules) in relationship with each other in a “particular way”⁵⁹⁰ and thus wherever a particular pattern of elements –code– are operative, a culture exists. Or as Philipsen argues, with each “distinctive culture” there is a “distinctive [communication] code,” representative of “speech [communication] communities or social settings”⁵⁹¹ that “reveals a distinctive code of self, society, and strategic action.”⁵⁹² Within a society these ways of being, relating and acting form multiple dominant communication codes⁵⁹³ that reach only as far as its common usage extends.⁵⁹⁴ While those individuals who reside

⁵⁸⁹ Philipsen, *A Theory of Speech Codes*, 125.

⁵⁹⁰ Philipsen, *A Theory of Speech Codes*, 133.

⁵⁹¹ Philipsen, *A Theory of Speech Codes*, 135.

⁵⁹² Philipsen, *A Theory of Speech Codes*, 138.

⁵⁹³ Philipsen, *A Theory of Speech Codes*, 135.

⁵⁹⁴ Philipsen, *A Theory of Speech Codes*, 128.

within its domain of dominance are “expected to conform”⁵⁹⁵ to it, they also live amongst other overlapping, interpenetrating codes with which they develop varying levels of proficiency.

It is one’s dominant communication code though that exhibits the strongest force upon how its users interact and engage the world. Knowing the dominant communication codes within a particular association of people then reveals their substance⁵⁹⁶ and serves as a means to rhetorically engage with them. Dominant communication codes infuse “substance” into an individual through its very “matter, ... social life.”⁵⁹⁷ Individuals develop and express, not only a means “of coding, encoding, and decoding” communicative conduct, but also the “distinctive psychology, sociology, and rhetoric”⁵⁹⁸ that a communication code engenders. Just as symbols are imbued with socially constructed meanings, all interaction is expressive of a distinct code that is meaningful and is comprehended by the actor and others as a means of “doing something.”⁵⁹⁹ Through a code then, one’s expression of self is constituted, values are “embodi[ed]” and his or her “process of knowing”⁶⁰⁰ is enacted, enabling that knowledge to act upon the world.

⁵⁹⁵ Philipsen, *A Theory of Speech Codes*, 128.

⁵⁹⁶ Philipsen, *A Theory of Speech Codes*, 137.

⁵⁹⁷ Philipsen, *A Theory of Speech Codes*, 139.

⁵⁹⁸ Philipsen, *A Theory of Speech Codes*, 138.

⁵⁹⁹ Philipsen, *A Theory of Speech Codes*, 140-141.

⁶⁰⁰ Philipsen, *A Theory of Speech Codes*, 138.

Directed by a particular code “*the ends and means of social action*” are “*thematiz[ed]*” empowering its “knowledge about what to feel and what to do”⁶⁰¹ to be “properly and efficaciously ... employed.”⁶⁰² Familiarity of the operative, dominant communication codes, influential within a collectively binding decisional space, allows one to understand points of conflict, the why behind ends desired, and the proposals offered for how to attain the necessary cooperative behaviors and act. It also is generative of understanding how to constructively find means to mutually constitute satisfying decisions for all those involved. In addition and even more significant, denial of a dominant communication code in the decision-making process excludes its users as well as the valuable experiential and practical knowledge it begets.

Communication codes are “learned” ways of communicating, involving “*terms, rules, and premises ... [that] are inexplicably woven into [communication] itself.*”⁶⁰³ How a person communicates exhibits particular “*patterns*” conveying the values and practices of their dominant communication code. Recognition of these patterns, Philipsen holds, marks what cultural constituents are “expressed more prominently” due to their perceived significance and which resonate “widely throughout the lives of who use them.”⁶⁰⁴ The power of such a pattern, is that from it individuals can conceive of how certain communication conduct will be received, perceiving of the likelihood of outcomes

⁶⁰¹ Philipsen, A Theory of Speech Codes, 139.

⁶⁰² Philipsen, A Theory of Speech Codes, 139.

⁶⁰³ Philipsen, A Theory of Speech Codes, 142.

⁶⁰⁴ Philipsen, A Theory of Speech Codes, 144.

yet to be determined. Thus, through a dominant communication code the attitudes and responses of an individual to a stimulant are narrowed, from unlimited possibilities, to the constraints of meaning found in the cultural imperatives that it carries.

While as Geertz contends, a “code does not determine conduct,”⁶⁰⁵ an assertion to which Philipsen agrees when he stated that, “individuals ... on occasion violate and resist various cultural imperatives,”⁶⁰⁶ codes do describe and prescribe strong expectations guiding one’s communicative conduct. Through their employment, social actors “evoke and invoke standards of social expression” utilized “in characterizing and evaluating oneself and others.”⁶⁰⁷ When these expectations are violated, the individual is weighed in reference to the rules and premises of the code.⁶⁰⁸ When s/he uses them correctly, unnoticed, and when employed eloquently, honored. In providing “orderliness”⁶⁰⁹ for a communication community, a dominant communication code, allows one “*a sufficient condition for predicting, explaining, and controlling*” the “*communicative conduct*”⁶¹⁰ of those who employ it. The pattern of communicative conduct of a particular social group serves as a resource that facilitates the ability to enter into communicative conduct with expectations and explanations for the responses that communication elicits. Knowledge

⁶⁰⁵ Geertz, *The Interpretation of Cultures*, 18.

⁶⁰⁶ Philipsen, *A Theory of Speech Codes*, 147.

⁶⁰⁷ Philipsen, *A Theory of Speech Codes*, 146.

⁶⁰⁸ Philipsen, *A Theory of Speech Codes*, 139, 147.

⁶⁰⁹ Philipsen, *A Theory of Speech Codes*, 149.

⁶¹⁰ Philipsen, *A Theory of Speech Codes*, 147.

of these expectations and explanations subsequently allow an individual to better influence the outcome of interactions with individuals who use that code. Therefore, when an individual's communicative conduct expresses the *meanings* and *conceptual world woven* in and through the dominant communication code of another social group, that individual not only knows *realistically and concretely* about who they conceive themselves to be, the social relations they perceive as possible and how to rhetorically engage them, but also how to *creatively* and *imaginatively think* and *converse* with them in order to either effectively convey his or her own satisfactory proposal for or actively co-construct novel solutions to the common, public problem that has stimulated the need for cooperative social acts and ends.

Returning to Philipsen's nomenclature, speech codes guide who speaks when, how they speak and why, as well as where they convey what they speak about. Similarly non-verbal communication *speaks*, personal attire and artifacts *speak*, goods and practices *speak*, institutions *speak*, and the physical world is given meaning so that it can *speak* too. How a person stands before another, his or her appearance, a nod of acknowledgement or disapproval, symbols worn or waved, and even the procedures and procedural rules for collectively binding decision-making all rhetorically communicates. Constituted through this coded communication within a community are the self and others; what is meaningful and what is not; expectations regarding social relations and practices; predictions, explanations, understandings, and judgments of acts and actors; and even how one conceives of, relates to and acts in the world.

Symbolic Orders as Necessary Resources for Democratic Rhetoric

Only those voices from without are effective which can speak in the language of a voice within.

—Kenneth Burke, *The Rhetoric of Motives*

The symbolic order, manifest in its most complex system, language, provides a *standpoint* from which to see and be in the world. A shared language unites a society through the common culture that the citizenry always already experiences. “Language,” as Hans Gadamer stated, “always presupposes a common world.”⁶¹¹ A culture, productive of the *common sense* or *ethos* that provides an *approved style of life* and *worldview*, *assumes a particular structure of reality*. What a person perceives to be real shapes what s/he judges to be probable, right, and good. When a people share a symbolic order they are enabled to participate in a common interpretation of what is real and their relation to the real. In other words, a culture engendered through language is expressive of what a people believes to be reality and through their united perception a bond forms between them through their shared common sense. This common sense is in essence the “sense of the community”⁶¹² that guides how an individual member “sees things from right and sound points of view”⁶¹³ in regards to the “concrete situation(s)”⁶¹⁴ that comprise the community’s lived existence. For a people who live under the influence of a dominant,

⁶¹¹ Hans-Georg Gadamer, *Truth and Method*, 2nd ed., trans. Joel Weinsheimer and Donald G. Marshall (New York, Crossroad Publishing, 1992), 406.

⁶¹² Gadamer, *Truth and Method*, 23.

⁶¹³ Gadamer, *Truth and Method*, 32.

⁶¹⁴ Gadamer, *Truth and Method*, 21.

unified culture, their sense of the common, constituted through their shared symbolic order, provides them with certainty when addressing each other persuasively. Under this ideal situation the symbolic choices that an individual employs in rhetorical engagements will likely lead to the desired cooperative behaviors s/he desired to induce.

In general, a common good emerges out of a society's sense of the common. This sense of the common helps to structure what solution will be perceived by the citizenry as a specific common good in relation to a contextualized particular. At times this could involve a solution held as beneficial for all citizens, but it also could mean that the common good is specifically beneficial for a micro-cultural group(s). A common good directed to a particular micro-culture, alleviating the burden of a public problem they experience, can be productive of a societal common good in that the collectively binding decision acknowledges these members as part of the community. In attending to and acting upon what a few perceive to be a contextualized particular through the cooperative attitudes and actions of the many, then can act as a means to establish an understanding of the lived experience of the few. This focused attention and understanding could then lead to new ways of conceiving future societal common goods and shift the sense of the common to be more inclusive of society's members.

Since the culture of a society is not monolithic, fragmented through multiple habitus and communication communities that employ their own micro-cultural meanings and experiences, the people's sense of the common is also fractured. The more pluralistic a society becomes the more likely that the common culture of the people and their sense of the common will not provide sufficient symbolic resources through which an

individual can effectively engage the people rhetorically. Consequently, when a contextualized particular that is considered to be problematic requires the people's cooperative behaviors, the symbolic order of the common culture will not provide the meaningful symbols sufficient to arrive at a collective will or a collectively binding decision. Instead, individuals will have to build coalitions that secure adequate support to enact policies and laws through which to govern society.

To foster within the diversity found in a pluralistic society a collective will and collectively binding decision that is constituted out of the sense of the community and representative of the common good, requires democratic rhetoric. Democratic rhetoric emerges out of the very possibilities that communication engenders. Symbols act as *arousal agents* that provide unique meanings for the individuals of particular cultures, the individuals sharing similar dispositions due to their proximity on a social plane that differentiates them from others (*habitus*), and the individuals of communication communities that bridge difference through the employment of particular communication codes. For each there are particular symbols that stimulate certain responses that are productive of certainty in relation to attitudes and acts. Rhetorical use of a symbolic order that does not attend to these meanings will elicit attitudes and actions within an audience that results in uncertainty. This is especially true for non-in-group members when communicating in contexts that limit their ability for embodied, ongoing symbolic experimentation. In other words, to prepare for a successful rhetorical engagement that addresses a heterogeneous citizen audience an individual needs to take up the meaningful

symbols employed within society's habitus or communication communities in order to influence, let alone elicit, the cooperative behaviors desired.

While the meaningful symbols of a society's culture provide its members with the webs of significance that bind them together at a macro-level, for differentiated, multivocalic societies this *symbolic order* is not sufficiently generative of the meaningful symbols that are necessary for *rhetorical engagements* productive of *cooperative behavior* for the *common good* of the society. To know a culture's *symbolic order* allows a person to rhetorically craft messages that resonate with the majority of that society's citizenry. This cultural knowledge provides substantial means to make meaningful messages, especially for a functionally homogenous society, and yet in societies that are more fragmented this cultural webbing is less pervasive and persuasive for generating a *collective will* productive of *cooperative behaviors* for the *common good* in regards to a *contextualized particular*. To increase the likelihood of making such connections across diverse societal groups, in order to constitute a *collective will* that leads to *cooperative behaviors*, an individual needs to engage the *symbolic orders* of the micro-cultural groups found in habitus and communication communities. Chaim Perelman and Lucie Olbrechts-Tyteca point to the significance of engaging the symbolic orders of others when they wrote: "He (who wants to convince someone of something) acknowledges that he must use persuasion, think of arguments capable of acting on his interlocutor, show some concern for him, and be interested in his state of mind."⁶¹⁵ In the construction of *rhetorical appeals* for the engagement of the citizens of these groups the *invention*

⁶¹⁵ Perelman and Olbrechts-Tyteca, *The New Rhetoric*, 16.

process has to move beyond the intentional deliberation of persuasive appeals that only consider those symbolic meanings found within the symbolic order of the macro-culture to a process of invention that considers the meaningful symbols of society's micro-cultures as well. The implication of these factors necessitates that invention is infused through the entire process of rhetoric.

How a persuasive appeal is arranged, stylized, remembered, and delivered all convey to an audience specific communicative meanings. Each culture, habitus, and communication community prefers to arrange their persuasive appeals in a particular way. This preference provides a temptation for some individuals to seek to privilege and codify how the citizenry must structure their public rhetorical engagements of contextualized particulars in a way that favors particular symbolic orders and cultures over others. In doing so, the means for rhetorical engagement become an object through which to assert power and dominance over other citizens. When this happens, the constitutive power and ethos of democratic rhetoric and democracy is subverted.

Significance of Micro-Cultural Symbolic Orders for Democratic Rhetoric

In recognition of this point, it is important to note before proceeding, that democratic rhetoric does not specify narrow constraints regarding how an empowered citizen invents, voices, and engages public ambiguities and contentions –public contextualized particulars. If it did, it would be susceptible to the strong and significant criticism of democratic formulations that favor one type of discourse for governance over others, which claims that such privileging is explicitly and implicitly exclusionary.⁶¹⁶

⁶¹⁶ Young, *Inclusion and Democracy*, 37-40, 56.

This criticism is predicated on the belief that society's micro-cultural groups positioned either at the bottom of society's social hierarchy or at its margins can be muted by the dominant group(s) so as to limit the participation of these micro-cultural groups within the public space in which collectively binding decisions are made.

The process producing mutedness evolves through the relationship between power and communication and results in dominant societal groups privileging particular ways of communicating that are expressive of their experience in and understanding of the world.⁶¹⁷ "The experience of reality," says Dale Spender, "of those who dominate, of those who have power, dominates."⁶¹⁸ Through their influence a powerful group's communication –symbolic order– comes to dominate the public realm and governance.⁶¹⁹

The implications of this arrangement are, as Cheris Kramarae argues the following:

...subordinate groups may have a lot to say, but they tend to have relatively little power to say it... Their speech is disrespected by those in the dominant positions; their knowledge is not considered sufficient for public decision-making... their experiences are interpreted for them by others; and they are encouraged to see themselves as represented in the dominant discourse.⁶²⁰

For subordinate, micro-cultural groups to speak into the political sphere, for their voice to be heard, they have to either, foster and adopt allies within the dominant group to speak for them or they have to communicate in a way that mirrors the privileged

⁶¹⁷ Cheris Kramarae, *Women and Men Speaking: Frameworks for Analysis* (Rowley, MA: Newbury House Publishers, 1981), 1.

⁶¹⁸ Dale Spender, "Defining Reality: A Powerful Tool," in *Language and Power*, eds. Cheris Kramarae, Muriel Schulz, and William M. O'Barr (Beverly Hills: Sage Publications, 1984), 198.

⁶¹⁹ Kramarae, *Women and Men Speaking*, 2.

⁶²⁰ Cheris Kramarae, "Muted Group Theory and Communication: Asking Dangerous Questions," in *Women and Language* 28, no. 2 (October 2005): 55.

communication style.⁶²¹ In translating from their means of communicating –symbolic order– to the dominant form of communication there can be a loss in meaning that leads to their ideas being undervalued or overlooked.⁶²² Consequently, even when citizens are viewed as equal, the experiences and ways of communicating the lifeworld of micro-cultural groups are implicitly or explicitly excluded from governance.

A clear historical instance of the subversive power of privileging a particular symbolic order over that of others occurred in the municipal assembly of Belmonte, Portugal. Following the military coup of 1974 “a revolutionary constitution and a liberal democratic government”⁶²³ was adopted in 1976. This new political arrangement shifted governance of rural local matters to Assemblies composed of elected citizens.⁶²⁴ To facilitate “a fair hearing of members’ opinions ... organize discussion and reach decision’s fairly”⁶²⁵ the assembly, Robert Reed reports, selected Robert’s Rules of Order to guide the Assembly’s communication. Instead of equalizing participation, members who incorporated Robert’s Rules into their communication repertoire were active in and dominated the Assembly’s proceedings⁶²⁶ over those who believed that the

⁶²¹ Spender, *Defining Reality*, 201.

⁶²² Kramarae, *Women and Men Speaking*, 2-3.

⁶²³ Robert Roy Reed, “Are Robert’s Rules of Order Counterrevolutionary?: Rhetoric and the Reconstruction of Portuguese Politics,” *Anthropological Quarterly* 63, no. 3 (July 1990):134.

⁶²⁴ Reed, Are Robert’s Rules of Order Counterrevolutionary? 134.

⁶²⁵ Reed, Are Robert’s Rules of Order Counterrevolutionary? 135.

⁶²⁶ Reed, Are Robert’s Rules of Order Counterrevolutionary? 135.

communication style of the Assembly should employ the common rhetoric found in “informal debates in Belmonte’s streets and cafes.”⁶²⁷ Those who favored using rhetoric common to non-elites of their community did so because they believed that the imposition of Robert’s Rules invalidated the revolutionary ideal of equality for everyone and for everyone’s voice concerning local problems and solutions to be heard in the Assembly.⁶²⁸

Individuals who employed the sanctioned symbolic order, Robert’s Rules, learned to speak within its communication codes and exhibited the proper disposition, so that they could know when to adhere to, negotiate, and even violate the Rules. Members preferring the common rhetoric of the community were muted, in “that they [could not] participate fully in the Assembly.”⁶²⁹ In Reed’s evaluation, the imposition of Robert’s Rules, “created a division within the Assembly,” that allowed one group to “make their voices heard” and the other to “have little political impact.”⁶³⁰ Consequently, by dictating stringent rules or norms for proper communication, limiting how the citizenry engaged in the process, resulted in a division within the Assembly, flattening the inclusion of societal difference and negating the facilitation of collectively binding decisions representative of a collective will.

⁶²⁷ Reed, *Are Robert’s Rules of Order Counterrevolutionary?* 137.

⁶²⁸ Reed, *Are Robert’s Rules of Order Counterrevolutionary?* 142.

⁶²⁹ Reed, *Are Robert’s Rules of Order Counterrevolutionary?* 142.

⁶³⁰ Reed, *Are Robert’s Rules of Order Counterrevolutionary?* 135.

Necessity of Productive Difference for Democratic Rhetoric

By defining the communication space in which collectively binding decisions are made, unproductive division is produced and productive divisions are constrained. Such a space is not a democratic space, for if the democratic process is to authentically retain its vitality it needs to incorporate difference. Tocqueville alludes to this when he noted that “to meddle in the government of society and to speak about it is the greatest business ... is the only pleasure an American knows.”⁶³¹ To be able to *meddle* means, not only the notion that the people are empowered to do so and that through their efforts they actually can rule themselves, but that they can introduce differences that interrupt and thereby agitate the dominant reading of a contextualized particular. By creating this type collectively binding decision-making, democracy encourages rhetorical engagement of questions that agitate individuals to ask questions, arising out of their differences, for which the answers are open and not certain.⁶³²

In the realm of governance the decision-making process through which its actors arrive at collectively binding decisions, productive of a common-good, address “subject[s] ... such as seem to present [the citizenry] with alternative possibilities.”⁶³³ Since individuals exist in a divided state and furthermore experience divided interests, contestation constitutes the very core of the political sphere. In Mouffe’s appraisal it is “a well-functioning democracy [that] calls for a vibrant clash of democratic political

⁶³¹ Alexis de Tocqueville, *Democracy in America*, trans. Harvey C. Mansfield & Delba Winthrop (Chicago: Chicago University Press, 2000), 232.

⁶³² Aristotle, *Rhetoric*, 89.

⁶³³ Aristotle, *Rhetoric*, 9.

positions.”⁶³⁴ This clash is severely hampered when the political space closes down the symbolic orders considered acceptable within it. Consequently, democracy that does not provide a space for its citizens to respond to exigencies of political conflict and allow for the employment of their particular symbolic orders is hardly worthy of conception.⁶³⁵ It is only when governance creates an inclusive arena for difference, that the collectively binding decision-making space truly recognizes and actualizes “democracy [that] ... structur[es] political conflict so that [those areas of contestation] might be settled through the ‘force’ of communicative influence.”⁶³⁶ It is here that the primacy of democratic rhetoric as the means for political interaction finds its substantiality.

If democracy is to functionally exist, then a decisional space in which difference and conflict is constructively engaged in order to produce common good –that does not mute the symbolic orders of the macro- and micro-cultures of society is required. This means that the citizenry needs to be able to speak into the collectively binding decision-making process through their micro-cultural symbolic orders. It also indicates though that when rhetorically engaging a pluralistic audience that has come together for the purpose of producing a collective binding decision an individual who desires to be persuasive needs to craft his or her rhetorical message in a way that communicates across difference by employment of the others’ symbolic order. Accomplishment of this type of rhetorical engagement does not mean that individuals disregard their symbolic orders; it means that

⁶³⁴ Mouffe, *The Democratic Paradox*, 104.

⁶³⁵ Warren, *Deliberative Democracy*, 180.

⁶³⁶ Warren, *Deliberative Democracy*, 180-181.

they integrate the key meaningful symbols of others into their own. To rhetorically engage in this way –not communicating *solely* through one’s own symbolic order– will produce in others the attitudes and actions that will elicit and coordinate the necessary desired cooperative behaviors.

Symbolic Experimentation through the Process of Invention

Normally when confronted with a symbolic exchange in which symbols used are not productive of expected attitudes and actions a period of symbolic experimentation follows until coordination between symbols and meaning is mutually discovered. Symbolic experimentation tests the attitudes and actions elicited through particular symbol use for particular macro- and micro-cultural groups. Every interaction actually involves the potential for this type of experimentation, but its probability is more pronounced when individuals do not share symbolic orders. In democratic collectively binding decision-making spaces, an individual who wants to enhance his or her probability for influencing the decision does not have the liberty to experiment symbolically during the rhetorical engagement. To experiment during a rhetorical engagement would result in uncertainty. Consequently, individuals desirous of competent rhetorical engagements in a pluralistic society need to conduct their symbolic experimentation prior to addressing the citizenry.

In rhetoric, invention involves not just the mental exploration of effective arguments, but should also include traveling through the entire rhetorical complex to the provisional closure of the rhetorical engagement. It is through symbolic experimentation in the invention process that has the power to move a *private will*, dependent on personal

preferences, to a *public will* that has the possibility of positing and eliciting a *collective will* productive of *cooperative behaviors* for a *common good*. To engage in democratic rhetoric an individual needs to address the perspectives of others through invention, in order to call them into a position that is supportive of the individual's proposal for a collectively binding decision. Democratic rhetoric then, does not just involve a question of how one thinks the contextualized particular should be resolved, it involves asking the question of how the supposed opposition and other citizens not part of a similar habitus or communication community will conceive of resolution.

In asking these questions, an individual “unsettle[s]”⁶³⁷ what is true for oneself. This combined with the nature of a public problem or contextualized particular –always a matter of the future in which certainty is not possible– frames the collectively binding decision-making process as inherently a question as well, throwing the individual involved in the invention process into making the self, others, and the problem “indeterminate.”⁶³⁸ Gadamer tells us that “questions always bring out the undetermined possibilities of a thing” and that “questioning is ... the test[ing] of possibilities.”⁶³⁹ The process of invention, indicative of one's movement through one's private will to his or her public will, begins with the question of the contextualized particular. It is when, in the midst of the process, an individual imaginatively considers the obstacles that the preferences and public will of others present as a hindrance to achieving the end s/he

⁶³⁷ Gadamer, *Truth and Method*, 375.

⁶³⁸ Gadamer, *Truth and Method*, 375.

⁶³⁹ Gadamer, *Truth and Method*, 375.

desires that the affects of rhetoric for transformation are truly in effect. The exploratory period prior to the imaginative investigation during the journey one takes in the mind through invention is a point of instigation that continues throughout invention during the crafting required in each component of the rhetorical complex.

Invention through Symbolic Orders is Productive of Transformation

The claim that rhetoric is transformational is not radical when considered from its end point. Rhetorical engagements leading to collectively binding decisions and their enactments transforms the contextualized particular in a meaningful way for all members of society, not just the citizenry. While the validity of this assertion is supported, it does not broach the depth of the claim about democratic rhetoric being made here. Democratic rhetoric always transforms and can radically transform how an individual engaging in it sees him/herself; other citizens, including those in opposition; their relationship to each other, society, and the contextualized particular; and the contextualized particular itself. All of this begins with the process of invention and continues through the performance of rhetorical engagements.

Invention is a mental practice and discipline that involves the process of thinking. “A person who thinks,” claims Gadamer, “must ask himself questions”⁶⁴⁰ and consequently consideration of a contextualized particular begins with a question. In the process of thinking, a person mentally interacts with oneself about an object through the symbolic order of his or her macro- and micro-cultures. Thinking then, as noted previously, is an *internalized conversation* with the self about what meanings –attitudes

⁶⁴⁰ Gadamer, *Truth and Method*, 375.

and actions— relate to the object of thought. When one turns back the symbolic order upon one's self, that individual is able to reflexively conceive of him/her self as a self. The self emerges out of an ongoing process of discovering and positing a person's attitude and actions toward him/herself. The meaningful symbols of the particular culture that primarily shape the attitudes and actions its members hold in reference to their social reality then actually mold how the person conceives of him/herself and the reality of the world. In order to engage imaginatively or experientially with another person means that the individual instigating communication, must take *rôle of the other* to consider how s/he will respond to the symbols employed. This means that to induce a desired attitude and action in the other, an individual must think through the symbolic order of the other. In order to think through an employment of rhetoric would then entail familiarizing oneself with the symbolic orders of others.

Beginning with the initial and ongoing questioning inherent to the process of invention, “opens up possibilities of meaning,” Gadamer posits, “and thus what is meaningful passes into one's own thinking on the subject.”⁶⁴¹ This uptake of meaning occurs through the very nature of symbolic use. To construct a rhetorical appeal for a rhetorical engagement an individual needs to process through his or her own symbolic order and the orders of those whose support s/he deemed as significant. These other individuals should also include those believed to offer the most pervasive and persuasive opposition: to leave a powerful argument against one's own position stand or even preemptively unattended to allows that argument's *presence* to remain in the mind of the

⁶⁴¹ Gadamer, *Truth and Method*, 375.

audience, inviting the citizenry to take up that position uncritically, and possibly privilege it.⁶⁴² Such inattention to proposed solutions could and likely would result in an undesirable alternative decision guiding the solution for the contextualized particular. These factors inherent to a rhetorical situation necessitating cooperative actions for the common good of society means that the deliberating individual needs to learn the meanings of others. By doing so, his or her perspective of self and the world will shift; either in negligible or substantial ways depending on the depth of symbolic uptake involved. Through the use of others' meaningful symbols the individual facilitates an understanding of how the symbolic order of the other influences his or her attitudes and action.

Knowledge of the meaning used by another opens up and enhances the understanding of a person's own meaning system. This allows a person to see how the other interacts with and in the world in relation to the object and scope of the meaning. In taking the *rôle of the other* necessary for eliciting the attitudes and actions desired, an individual develops an understanding for how and why the other perceives a public problem –contextualized particular– as s/he does. Once the new symbolic meaning and understanding is integrated into one's own symbolic order it becomes a resource for reflexive consideration of the self. The transformative effects of taking up another's symbolic order do not end with how an individual sees and relates to him/herself and the other; they similarly radiate through perspectives regarding the lived experience of society, other citizens, and the contextualized particular.

⁶⁴² Perelman and Olbrechts-Tyteca, *The New Rhetoric*, 116-118; and Aristotle, *Rhetoric*, 5.

Contextualized Particulars as Exigencies for Democratic Rhetoric

Rhetorical engagements are the people's responses to the exigency created through an acknowledged contextualized particular or the voice of a citizen or member of society that points the attention of the people to an unrecognized contextualized particular.⁶⁴³ When a contextualized particular is not recognized by the people as a public problem or even when the majority of the people perceive that a contextualized particular as not being significant, while for others its importance is unquestionable, rhetoric facilitates one's ability to elevate the issue to the attention of the public. Being able to translate one's persuasive appeals to the citizenry, providing justifications supportive of his or her position, will increase the likelihood of opening up of the people's awareness to the relevancy of the problem. As Iris Marion Young has noted, "*rhetorical moves often help to get an issue on the agenda for deliberation.*"⁶⁴⁴ In a similar fashion, rhetoric also provides the means to build identification between the majority and others.

Reaching out to societal members through their shared macro-cultural or individual micro-cultural symbolic orders assists an individual in constructing real or perceived consubstantiality between members of the citizenry. In effectively communicating how a public problem is common ground or a 'we' issue an individual can shift views of the contextualized particular. Bringing a public problem to the attention of the people and/or bridging a division between certain societal members can

⁶⁴³ Vatz, *The Myth of the Rhetorical Situation*, 154-161.

⁶⁴⁴ Young, *Inclusion and Democracy*, 66.

educate the people about their differences and even transform how they see and relate to each other across their differences. Through translating the significance of these ambiguous contextualized particulars into symbolic orders more likely to produce attitudes and actions, individuals are able to rhetorically constitute societal identifications that lead to common interpretations and understandings of societal goods.

Citizens faced with a contextualized particular that is recognized as a problem, for which solutions remain a mystery, presents an issue that requires the potentiality of language. Inherent to “the essence of language,” Heidegger argues, is its capacity for “rift-design” –to open up space– through its ability “to tear up, to rend or rive, to turn over”⁶⁴⁵ the ground it attends. In engaging such contextualized particulars, through multiple symbolic orders, the citizenry make it a question that can be generative of insights into its nature as well as what is needed to solve the problem it presents to society. In his explication of *rift-design* Heidegger employs a farming analogy; when a farmer plows a field the potentiality of the ground is realized since “it may harbor seed and growth.”⁶⁴⁶ Likewise, when solutions are not unknown, rhetorical engagements that are infused with understandings of the attitudes and actions –meanings– held across the citizenry, demonstrative of their own micro-cultural perspectives, can stimulate emergent creative thinking. By creatively thinking through a contextualized particular, solutions that were not yet known, *harbored* within its nature and the people, can come into the

⁶⁴⁵ Martin Heidegger, *Basic Writings from Being and Time (1927) to The Task of Thinking (1964)*, ed. David Farrell Krell (London: Harper Perennial Modern Thought, 1993), 407-08.

⁶⁴⁶ Heidegger, *Basic Writings from Being and Time (1927) to The Task of Thinking (1964)*, 407-408.

consciousness of the citizenry through the *growth* made possible in the open space symbolic order use creates.

When considering the typical scenario of contextualized particulars, those for which the problem is known and proposed solutions are disputed, rhetoric allows the citizenry to present their interpretations of the problem, their relation to it, and their justifications for their advocated public will. How they see the world in relation to the contextualized particular, its real life implications for their lives, their hopes for its resolutions and their re-envisioning of what the world should be like once a solution is implemented through society's cooperative behaviors enriches the collectively binding decision-making process and ultimately the outcomes. Rhetorical engagements that incorporate the voices of all the citizenry allows for understanding of the contextual particular to be mutually held and resolution to be representative of the common good.

When all citizens are empowered to speak into the collectively binding decision-making process the creative process of questioning and thinking, inherent to the communication process, opens up ways of perceiving the public problem so that resultant collectively binding decisions are integrative interpretations that strengthen the webs of significance connecting the people and highlighting the common good. As is known through lived experience and observation of exchanges in current political arenas these results often are not the case. Rhetoric and rhetorical engagements do not necessarily have to recognize their full potentiality for transformation and the production of common good solutions. Empowering citizens to represent the standpoints generated within their own habitus and communication communities just as likely instantiate exchanges in

which the citizenry talks past each other. Individuals, not willing to invent their persuasive appeals through symbolic experimentation, expressing only their own preferences for solutions to public problems, risk dividing the citizenry into faction further. Consequently, for rhetoric to truly be democratic rhetoric, rhetorical engagements need to empower citizens to fully participate rhetorically and produce rhetorical accountability through the power of synchronous rhetorical responses.

Democratic Rhetoric as Empowered Participation

At the heart of democracy are the people. This historically rooted ideal of democracy has found its expression in two different ideological constructions of democracy that manifest different means for self-governance. As will be seen, in ancient Athenian democracy self-governance meant that the citizenry ruled themselves through being empowered for self-rule. In American governance, representatives of the citizenry are empowered to rule for/over the people, restricting self-governance to the people governing their selves individually by abiding by the laws and policies their representatives have deemed necessary for societal life and wellbeing. Democratic rhetoric eschews the American constraints to self-governance by privileging self-rule: a democracy in which citizens rule themselves through collectively binding decisions that they not only establish, but also abide by because they have instituted the decisions they have agreed to live by. Under this ideological construction of democracy the citizenry fully participate in the production of the external laws and policies they live under as well as actively participating in putting these collectively binding decisions into practice by

internalizing them as legitimate constraints and lived obligations for the betterment of society and the fulfillment of the goods societal life makes possible.

Collectively binding decisions can be made through two radically different means. Human beings are decision-makers who can make decisions unilaterally as individuated beings –*division*– or through mutual engagement with others as relational beings –*identification*. The difference between the two is that unilateral decision-making asserts dominance, while relational engagement asserts the primacy of mutual dependence or interdependence. Unilateral decisions are productive of division, distance, and closure. Mutual engagement is generative of unity, intimacy, and continuance. In relation to governance, unilateral decision-making is found in the positive and negative types of the one (monarchy/tyranny) or the few (aristocracy/oligarchy) ruling over the many, while mutual engagement brings to life the self-rule of the many.⁶⁴⁷ The type of decision making that is put into practice affects how the collectively binding decisions of the shared world are made, thereby constructing the shared, lived experiences of the world.

For democratic rhetoric to include mutual engagement collectively binding decision-making must be inclusive of society's citizenry and the citizenry needs to be functionally inclusive of society's micro-cultures. Each micro-culture needs to be able to bring their own symbolic orders into the decision-making spaces of governance through which collectively binding decisions are actually constituted. The rhetoric of those who present proposals based on claims of that they are inclusive of the people's collective

⁶⁴⁷ Aristotle, *Politics*, 147.

will, generative of collectively binding decisions, cannot be tested and narrowed without members of society's micro-cultures evaluating their positive and negative consequences through their unique lived –*contingent*– and relevant conceptual –*non-contingent*– knowledge(s) of contextualized particulars and their implications. While as previously noted, the certainty of collectively binding decisions is beyond the scope of certainty, the probability of a collectively binding decision satisfactorily accomplishing its desired end is only made more secure through the collective knowledge and therefore meaningful participation of the citizenry. For rhetoric to be democratic then, instantiations of rhetoric regarding public problems have to rely upon the active, empowered participation of the citizenry in the collectively binding decision-making process.

Necessity of Rhetorical Accountability for Democratic Rhetoric

Participation in the collectively binding decision-making process is necessary for democratic rhetoric, but it is not sufficient for its actualization. Citizen participants need to also be accountable for their rhetorical engagements in the decision-making space. Accountability, not only refers to an obligation for being answerable, but infers that one, being obligated to answers for what s/he has called for or done, puts his/her person at risk. As a result, individuals who enact democratic rhetorical engagements must be answerable for their collectively binding proposals and risk their ability to effectively participate in such present and future engagements. Democratic accountability compels an individual who engages in rhetorical exchanges over a contextualized particular in the decision-making space to consider the short-term and long-term effects of his/her claim on his/her own self, micro-culture, and society. When an individual presents his/her

claims through persuasive appeals s/he needs to recognize that it is not just the immediacy of the moment that they will be accountable for in the future but the long-term effects of his/her proposals; not just his/her benefits that are at stake, but those of the entire community. For a citizen to make these associations and be held accountable for his/her rhetoric, democratic rhetoric must actualize the obligation for being answerable and the risk to his/her person.

To realize the *obligation of being answerable* necessary to rhetorical accountability involves two factors; one relating to temporality and the other to inclusivity. A weak notion of accountability allows one to separate the obligation to be answerable from his/her rhetorical act. Accountability is dependent on relationship and consequently requires at least two to enact –this is even true when one holds oneself accountable, in that thinking involves an internal conversation– in that to be answerable means that there is someone to whom one is obligated to give an answer. For someone to be accountable then there has to be another to hold the person accountable. Holding someone accountable can be accomplished in the moment or later in time. When done in the moment accountability rests heavier upon the person who is answerable, while a delay shifts the burden more fully to the other. When rhetorical accountability is distanced through time, the citizen audience has to remember the rhetorical claims and the source of those claims in order to hold the individual making them accountable at a future date.

In democratic rhetoric, accountability necessitates a strong version that maintains primacy of the obligation for answerability on the person who makes the rhetoric claims.

A strong version of rhetorical accountability requires that individuals making claims, failed or successful, be answerable for those claims. If an individual's proposal is enacted it will be embedded in the mind of the audience, as the presence of the event and experience sustains the collectively binding decision and its advocates in their minds. Likewise, individuals who propose failed collectively binding decisions, due to society investment and ownership, will lead to the holding of that individual accountable; perhaps diminishing that individual's influence and ability to address the citizenry in the future. In both of these instances, distance is in part negated by enactment and its ongoing outcomes. It is the rhetorical claims that are not substantial or that are rejected in relation to the resolution of the contextualized particular that can become lost in the flux of the multiple claims made, thereby slipping from the consciousness of the citizenry. Temporal distance then is detrimental to holding an individual answerable for their rhetorical claims.

Risking one's person, necessary for rhetorical accountability, rests upon societal inclusiveness within the arena of rhetorical engagement. The more inclusive the audience an individual addresses the more accountability increases. When a person has to rhetorically engage a group that holds wider, disparate perspectives on the points of contention the greater the range of invention and relationships s/he must take into account. This risk to self requires that rhetorical accountability be, not an anonymous endeavor, but one in which identity and position are known. As Arnold claims, rhetorical engagements "are not confrontations of impersonally symbolized concepts ... and

vaguely specifiable human beings”;⁶⁴⁸ they are embodied confrontations that are inherently “always rhetoric-in-stress.”⁶⁴⁹ In putting his/her “presence” on the line through his/her “verbal and physical behaviors,” indicative of his/her “entire physical and psychological organization,” an individual “must *stand with* his symbolic acts,” thereby opening his/her entire person “for interpretation and judgment”⁶⁵⁰ by the listening audience. When faced with a diverse audience of others, an audience inclusive of the micro-cultures of society, rhetoric-as-stress functions to heighten the risk to one’s identity and position; compelling individuals to vigorously endeavor to be as thorough in their invention and delivery of their rhetorical claims as possible. This positive inducement is reinforced by the negative consequences to the self, in that rhetoric-in-stress puts not only the reputation of the individual, but that of the micro-culture with which s/he is associated at risk.

The greater the inclusivity of the citizenry the collectively binding decision-making body is –increasing the possible oppositional arguments s/he must address– the greater the need for an individual to deliberate –invent– about how his/her proposal will be received by those listening. Without a strong version of rhetorical accountability, an individual would be able to make proposals that favor his/her preferences without much, if any, consideration of others. With a strong version of rhetorical accountability individuals who do not make productive or at least honest proposals that are inclusive of

⁶⁴⁸ Arnold, *Oral Rhetoric, Rhetoric, and Literature*, 177.

⁶⁴⁹ Arnold, *Oral Rhetoric, Rhetoric, and Literature*, 176.

⁶⁵⁰ Arnold, *Oral Rhetoric, Rhetoric, and Literature*, 177.

society's micro-cultural symbolic orders, are liable to see their ability to rhetorically engage contextualized particulars curtailed or rejected by the people. Combining the temporality and inclusivity that rhetorical accountability requires, democratic rhetoric is fundamentally only truly functional when rhetorical engagements are direct, face-to-face occurrences.

Necessity of Rhetorical Response for Democratic Rhetoric

Within the framework established by the necessity of rhetorical accountability the need for rhetorical response for democratic rhetoric becomes apparent. The essence of rhetorical response is found in the ability to actually speak back during a particular rhetorical engagement. The value that rhetorical response has for democratic rhetorical engagements is that individuals making rhetorical claims regarding proposed solutions have to consider that their proposals will be challenged. When immediate rhetorical responses originate across the spectrum of society's micro-cultures individuals cannot just make claims based solely on their own preferences or contingent knowledge because oppositional responses will come from not only the area of expertise, but also from those who have the ability to speak from non-contingent knowledge(s). By allowing the members of the citizen audience to immediately rhetorically respond –speak back– to rhetorical claims they do not support, they can filter the rhetorical claims through their will and judgment in order to render a response that holds the individual accountable in the moment. When this possibility is denied, then individuals can make rhetorical claims based on whatever s/he prefers without taking into consideration those s/he are addressing.

The implications of not creating a probability for immediate rhetorical response as related to rhetorical accountability directly affect the obligation for being answerable and the risk to one's person. When an individual addresses a present citizen audience that is not able to respond within the context of that rhetorical engagement then rhetorical accountability is diminished due to the creation of temporal distance. Without the likelihood of immediate rhetorical response the risk to the individual making rhetorical claims is also reduced since the possibility that his/her identity and position being called into question is lessened. On the other hand, it is the probability of an immediate rhetorical response that ensure the likelihood of rhetorical accountability, in that individuals who rhetorical engage contextualized particulars need to consider the entirety of the citizen audience and their experience. In addition, citizens who have the right and opportunity to immediately respond to the rhetorical claims of their opponents compels these citizens to engage in the process of invention to formulate their responses drawing individuals from society closer together through uptake of the differing symbolic orders found in society. Both rhetorical response and rhetorical accountability then constrain democratic rhetoric and its benefits of superior knowledge –inclusion of an empowered citizenry– and its transformational affects to direct rhetorical engagements.

Conclusion: The Nature of Democratic Rhetoric

Democratic rhetoric is a form of rhetoric –persuasive communication– that is constrained by the nature of human existence, communication, and the implications and obligations of living in society together. To govern society authentically, the means of governance *grow out of human characters* and their *dispositions*. If this is true, then

authentic governance must acknowledge, engage, and achieve human equality, liberty, power, identification, and public happiness. Democracy as the form of governance that best enables the achievement of authentic governance must be based upon a collectively binding decision-making process that realizes these characteristics and dispositions. To understand what democratic governance should look like –how it should be institutionalized and practiced– the means through which the citizenry engages one another that recognizes the characteristics of authentic governance needs to be established. Democratic rhetoric is that means:

- *Democratic rhetoric is generative of the sense of the common and societal identification.* Citizens, who construct their persuasive appeals through a process of invention that explores and incorporates the micro-cultural symbolic orders of society, transform their understanding of a contextualized particular. This uptake of meaningful symbols used by citizens with different perspectives on a public problem has the power to enable a sense of the common across those differences. This short-term effect, assisting in the possible development of a common good for a specific rhetorical engagement of a contextualized particular, can also lead to a greater sense of the common throughout a society through the accumulation of ongoing, meaningful rhetorical engagements. When collectively binding decisions are arrived at through a citizen audience empowered to legislate policies and laws societal members are likely drawn together through the necessary uptake of their individuated

symbolic orders. Through this process then, the citizenry a sense of the common is dispersed throughout society and identification between societal members is enhanced.

- *Democratic rhetoric leads to equality through effective, inclusive participation that is productive of public happiness.* If rhetoric does not have to specifically address a citizen audience that is inclusive of society's micro-cultures and their meaningful symbols, then the effects of rhetorical accountability are significantly negated. A collectively binding decision-making process that does not equally empower the citizenry to speak into and decide upon solutions to contextualized particulars mitigates the effectiveness of immediate rhetorical response to compel individuals to be inclusive throughout the process of invention and engagement. Consequently, democratic rhetoric requires a functionally inclusive citizen audience that is empowered to participate and make collectively binding decisions. In addition, since democratic rhetoric necessitates that an inclusive citizen audience, which participates through rhetorical engagements that contested public problems engender, is afforded the opportunity to individually or collectively act in a way that is productive of their public happiness.
- *Democratic rhetoric manifests liberty.* Liberty rests upon the notion that citizens can choose and act in the world in a way that is reflective of their desired ends. Unlike freedom though, liberty implies a sense of obligation

in relation to the context of being a citizen. Under natural law the obligation is to oneself, free to choose and do what one desires, but as a citizen what one can choose and do is constrained by mutual dependence necessary to achieve desired ends. To realize liberty as a citizen then means that collectively binding decisions need to be born out of a process that empowers citizens through a decision-making process that relies upon mutual engagement. Through the parameters inherent to democratic rhetorical engagements societal members can choose which contextualized particulars –acknowledged or unrecognized– to attend to by setting the agenda for their engagement in the collectively binding decision-making process. Being the decision-makers enacts the citizenry’s ability to dictate the course of cooperative actions taken by societal members. By necessitating that citizens, across the spectrum of society’s micro-cultures, are the participants of the collectively binding decision-making process, democratic rhetoric fosters a decisional space in which the citizenry can enact their liberty.

- *Democratic rhetoric fosters a better decision-making through incorporating difference.* In addressing a contextualized particular, rhetoric is a means to present and develop probable and provisional responses. When the collectively binding decision-making process is inclusive of society’s micro-cultures and equally empowers its citizen participants, that process is enriched through the non-contingent

knowledge(s) found throughout society. Individuals of differing habitus and communication communities perceive and experience contextualized particulars in different ways, which in turn affects their knowledge of them differently. More diverse knowledge about a public problem can lead to a more robust contestation over how to satisfactorily resolve the issue in that multiple standpoints. Through incorporating these different knowledge bases into the collectively binding decision-making process, thereby broadening possible points for contestation, the effects of the arrived at solution will have been imaginatively tested more thoroughly. While no guarantor of certain outcomes, solutions through democratic rhetoric have a greater chance at being the best collectively binding decisions for the particular contexts in which they were made.

- *Democratic rhetoric creates richer understandings.* In constituting an environment that compels a deep process of invention, applicable to the entire rhetorical process, which should seek to understand the perspectives of others, democratic rhetoric opens up a space for learning. The process of discovery for relevant meaningful symbols employed by other micro-cultures adds to his/her knowledge about their lived experiences. Through invention the imaginative deliberation to uncover practical and symbolic obstacles and clear pathways to a satisfactory solution can develop creative and critical thinking. Team these benefits, with the nature of a question that interrupts conceptions of the self, others, what is thought to

be known, and the contextualized particular, and the possibilities for enhancing understanding in a multitude of areas can be realized through democratic rhetorical engagements.

- *Democratic rhetoric is transformational.* As an individual gains knowledge and familiarity of society's symbolic orders other than one's own primary meaningful symbol system his/her meanings are shifted. Depending on the level of integration transformation can provide small or radical changes in how an individual relates to areas that connect to the specific contextualized particular and others that one is exposed to through his/her related investigation. Reflexively considering the *rôle of the other* is transformative of one's own meanings, which are applied to understanding one's attitude and actions –meanings– toward the self, others, society, and the contextualized particular. Through its dependency on the process of invention and the productive constraints of rhetorical accountability and response, democratic rhetoric shifts a person's ways of seeing and being in the world.

Rhetoric, since ancient Athens, has long been associated with democracy.

Athenian democracy and the role of rhetoric were recorded by individuals, either strongly or mildly adverse, to both. On the other hand, American governance at the time of the founders and framers, exhibited disdain for democracy and privileged reasoned debate. Both of these forms of governance, despite their relationships to democracy and rhetoric, have been strongly associated with the institutionalization and practices of democratic

governance. In learning from and understanding the ideologies that structure these forms of governance, their strengths and weaknesses, will provide guidance in how authentic democratic governance should be structured to best allow democratic rhetoric to be enacted.

CHAPTER FOUR: IDEOLOGICAL CRITIQUE: IDEOLOGY OF ATHENIAN DEMOCRACY

Introduction: Ideological Critique

Authentic governance involves a number of attitudes and actions that spring up out of the nature of humanity and society. Equality, liberty, empowerment, identification, and public happiness/engaged participation are not simply concepts and practices to be held as an ideal, they are also a means for evaluating and justifying if the function and structure of a government is or is not authentic. Democracy, as it creates spaces for and calls people into governance, must exhibit the attitudes and actions –meanings– of authentic governance if it is to satisfy this test of authenticity and thereby be satisfying for the citizenry. Authentic governance is a symbol that stands for a particular set of ideas strung together; constructing a particular meaning that is significant for a particular people group. Such a framework for determining what authentic governance is can be referred to as an ideology of authentic governance. Ideology is a problematic term often cast in a negative light for the public and disparaged by many in academia –it is always that which the *them* of an us/them binary holds and is blinded by, while the *us* lives free of ideology. Rather ideology is simply another layer to the meaning-making process that entangles all of humanity. The ancient Athenians, as the first formulators of democracy, developed and honed democratic ideology. Entangled in the webs of democratic significance more two millennia ago, the Athenians still provide the foundation for

understanding the democratic ideal. Therefore, to continue investigating and developing an understanding of authentic governance as democracy, it is important to first understand, in many ways re-conceive, what an ideology is, how to conduct a critical ideological analysis, and then explicate as a foundation the ideology of Athenian democracy. Through this foundation the American claim to democratic governance will then be analyzed and evaluated in the subsequent chapter.

The Inevitability of Living through Ideologies: A Means of Sense-Making

Every individual exists entangled in a society's webs of significance. The macro- and micro-cultures' symbolic orders found in a society prescribe and inscribe upon those individuals, who ascribe to them, certain ways of seeing and being in the world. The meaningful symbols of a culture's symbolic order are not individual and independent; they form a system of interrelated, interdependent relationships generative of unique interpretations and understandings. (Re)presenting particular articulations of meanings that call out and "select certain relationships as meaningful"⁶⁵¹ a culture's symbolic order affects how its adherents relate and respond to what they perceive to be reality. Due to the nature of symbols—in that they are arbitrary, human constructions—"these relationships are not *realities*, they are interpretations of reality."⁶⁵² Through these "different frameworks of interpretations" members of differing cultural groups come to "different conclusions as to what reality is,"⁶⁵³ which enhances the significance of "some

⁶⁵¹ Burke, *Permanence and Change*, 35.

⁶⁵² Burke, *Permanence and Change*, 35.

⁶⁵³ Burke, *Permanence and Change*, 35

human preferences and [causes] the frustration of others.”⁶⁵⁴ As such, a symbolic order is expressive of “a common set of norms” and “deviations”⁶⁵⁵ that are “loaded with judgments” and “emotional or moral weightings” that are suggestive of “attitudes and acts that go with them.”⁶⁵⁶ What then distinguishes the symbolic orders of the macro-culture from that of micro-cultures and of micro-cultures from other micro-cultures are not necessarily the symbols employed, but the meanings of the individual symbols and the articulated meanings of the symbols put into relationship with each other. It is at the level of articulated meanings (re)presentative of the ideologies associated with and privileged by particular cultures that the distinctions between cultures emerge, become identifiable, and are consequential.

Working through what is considered to be the most complex system of symbolic (re)presentation, language, Burke provides a prime starting place from which to conceptualize ideology. Each symbolic order of a culture coalesces around particular terminologies. The nature of a particular terminology provides its users with “a *reflection* of reality” that also is “a *selection* of reality,” which “function[s] also as a *deflection* of reality.”⁶⁵⁷ Terminologies as such, act as perceptual screens, or what he refers to as “terministic screens,” that “necessarily directs the attention into some channels rather

⁶⁵⁴ Burke, *Attitudes Toward History*, 234.

⁶⁵⁵ Burke, *Attitudes Toward History*, 234.

⁶⁵⁶ Burke, *Permanence and Change*, 177.

⁶⁵⁷ Burke, *Language as Symbolic Action*, 45.

than others,”⁶⁵⁸ The implication is that differing terminologies exert “‘terministic compulsion’,”⁶⁵⁹ generative of ways to perceive “the same objects” through lens that “‘were made with different color filters.’”⁶⁶⁰ Through these filters, attention is not only directed, but the possibilities associated with the object attended to are also implied.⁶⁶¹ Due to the consistency –*universality and uniformity*– necessary for symbolic orders to be functional meaning systems, when an individual is embedded in the perceptual screen of a particular terminology, his or her understandings of and beliefs about the world bends to what the terminology highlights. “Deliberate or spontaneous” language choices, according to Burke, *reflect, select, and deflect* “the kinds of observation[s]”⁶⁶² one attends to, as well as how one interprets or gives meaning to those observations. It is through the perceptual screens instantiated through terminologies that an individual observes, perceives, relates to, feels, acts, and judges his or her own existence and that of others in the world. While these insights are consistent with the nature of symbols, meanings, and language, Burke’s limitation to terminologies and thus *terministic screens* is too restrictive for the totality of the meaningful symbolic representations available to particular cultures. A more productive conceptualization of how each culture chains

⁶⁵⁸ Burke, *Language as Symbolic Action*, 45.

⁶⁵⁹ Burke, *Language as Symbolic Action*, 19.

⁶⁶⁰ Burke, *Language as Symbolic Action*, 45.

⁶⁶¹ Burke, *Language as Symbolic Action*, 46.

⁶⁶² Burke, *Language as Symbolic Action*, 47.

together certain meanings in order to give meaning to a particular emotional, intellectual, social, and/or material object or context is the idea of ideology.

A set of terminology is productive of a perceptual screen that frames the experiential and conceptual, the attitudes and actions of the person employing the terminology. Even though “language and ideology are not the same”; ideologies, like language, are a means “through which we represent, interpret, understand and ‘make sense’ of some aspect of social existence.”⁶⁶³ While conceptually ideology eludes a “single adequate definition” because of its “wide range of historical meanings,”⁶⁶⁴ its use here, as I conceive it, will point to a system of meaning relating to a particular contextual domain for a particular association of people. Ideologies, as systems of meaning, have a structure and function that shapes its various cultural interpretations, understandings, and individual and cooperative acts.

The Structure of an Ideology

The structure of an ideology is primarily symbolic. The notion of the symbolic used here though encompasses materiality, as the division between the symbolic and material for human beings is an artificial construction. For while materiality, what we consider real and concrete either preceding the application of human efforts or not, pre-exists the symbolic, it only meaningfully exists for human beings and society when it is recognized as being symbolic. Consider Burke’s contention concerning materiality –

⁶⁶³ Stuart Hall, “The Whites of Their Eyes: Racist Ideologies and the Media,” in *Gender, Race, and Class in the Media: A Critical Reading*, 3rd ed, eds. Gail Dines and Jean M. Humez (Thousand Oaks, CA: Sage Publications, 2011), 81.

⁶⁶⁴ Terry Eagleton, *Ideology: An Introduction* (London: Verso, 2007), 1, 221.

nonverbal— made when discussing persuasion: “For nonverbal conditions or objects can be considered as signs by reason of persuasive ingredients inherent in the ‘meaning’ they have for the audience to which they are ‘addressed’.”⁶⁶⁵ For instance, a common instrument of citizen participation, a cast ballot, is a material object that involves a ritualized practice, a performance, infrastructure, institutions, and once acted upon subsequent concrete consequences. To cast a ballot —to vote— a system of practices needs to be established that consensually a group of people recognize as being a means for representing individual judgments. For these practices to be meaningful though, individuals need to perform them by entering the space designated for the purpose of casting the ballot. This practice and performance then needs correlated infrastructure that facilitates the necessary individual and cooperative behaviors. Institutions fostering this infrastructure and which regulate and maintain the viability of these acts are needed to allow for the repetition of the practices and performances of voting. In addition, other sundry institutions, infrastructures, performances, practices, and objects have to emerge if not already existent and be maintained in order to carry out the consequence of the vote. The object used to cast the ballot is meaningless in this context without being symbolic for the people employing it as a means for voting. A ballot and all of its associated entailments, which are conceptual and concrete, have little value for victors or others if it, its uses, and its consequences are not symbolically meaningful. What is material then, to be interpreted as meaningful, has to be rendered and taken up into the symbolic order of a

⁶⁶⁵ Burke, *The Rhetoric of Motives*, 161.

particular people group. In other words, no matter if considering what is conceptual or material for it to become part of a culture it must be a meaningful symbol.

Ideology as symbolic is structured as “a system (with its own logic and rigour) of ... images, myths, ideas or concepts” that Althusser argues is “endowed with a historical existence and role within a given society.”⁶⁶⁶ Stuart Hall, “refer[s] to those images, concepts and premises”⁶⁶⁷ as “mental frameworks –the languages, the concepts, categories, imagery of thought, and the systems of representation–” that structure how individuals and communities “make sense of, define, figure out and render intelligible the way society works.”⁶⁶⁸ Composed of “practical as well as the theoretical knowledges”⁶⁶⁹ ideologies are constructs that string together multiple symbols to form “distinctive set(s) or chain(s) of meanings.”⁶⁷⁰ The structure of an ideology is found in its linked constructs –ideas, beliefs, values, attitudes, practices, institutions, and material objects– that “connote – summon – one another”⁶⁷¹ in order to generate particular “schemas of

⁶⁶⁶ Louis Althusser, *For Marx*, trans. Ben Brewster (London: Verso, 2005), 231.

⁶⁶⁷ Hall, *The Whites of Their Eyes*, 81.

⁶⁶⁸ Stuart Hall, “The Problem of Ideology: Marxism Without Guarantees,” in *Stuart Hall: Critical Dialogues in Cultural Studies*, eds. David Morley and Kuan-Hsing Chen (London: Routledge, 1996), 26.

⁶⁶⁹ Hall, *The Problem of Ideology*, 27.

⁶⁷⁰ Hall, *The Whites of Their Eyes*, 81.

⁶⁷¹ Stuart Hall, “Signification, Representation, Ideology: Althusser and the Post-Structuralist Debates,” *Critical Studies in Mass Communication* 2, no. 2 (June 1985): 104.

interpretation.”⁶⁷² What distinguishes one ideology from another then are either the links and/or how the links are articulated.

Ideology as an “ideological chain”⁶⁷³ rests upon Hall’s idea of articulation. Articulation configures the constructs –links– of an ideology in a particular pattern that structure its meaning in a unique way. The arrangement of the links of an ideological chain is productive of and privileges a certain meaning. This imagery of a chain though can be misleading for two reasons. First, the linkages of a chain are ordered linearly and therefore typically conjure an image of one link connected to the links before and after it. The linkages between the constructs are much more dynamic and diverse as they converge together to influence meaning. Second, it is the weight or significance of a link’s meaning in relation to the ideology that mark its importance for interpreting, understanding, and even transforming the ideology. Structurally an ideology is like a confluence of constructs; with the more significant constructs –stronger interpretative value– found at the center and those with less significance at the edge. Perhaps a better visual representation of the relationship and significance of the links then would be a cluster; with the more meaningful constructs closer to the cluster’s core while those less significant are found on the fringe. The benefits of the chain imagery is that it is easier to perceive each link as distinct and to parse out each links’ entailments, while a cluster provides a better understanding of which links have greater significance for meaning

⁶⁷² Hall, *Signification, Representation, Ideology*, 105.

⁶⁷³ Hall, *Signification, Representation, Ideology*, 112.

construction and their interconnectivity –which effects the meaning of one construct and the meaning of the ideology is affected.

Since cultures exist concurrently there are multiple ideologies circulating in a society. In a heterogeneous society, ideologies of one cultural group can be taken up, “*negotiated*,”⁶⁷⁴ or resisted by another cultural group. Each pattern of articulation generates different ideological meanings and effects even if the core constructs of an ideology appear to be the same. When authentic governance is conceived of as liberty, equality, empowerment, identification, and public happiness these conceptions are representative of core constructs for an ideological chain. The first three links of liberty, equality, and empowerment are privileged as core constructs for American governance. Yet, consider the construct of equality. Even though the Declaration of Independence claimed that *all men are created equal*, equality as constructed in the Constitution entailed that not all individuals were considered men or human and therefore its defining characteristics or entailments narrowly constrained equality. As notions about governance and human rights shifted culturally modifications to the Constitution enlarged the scope of equality to incorporate *all* men and then *all* women of a certain age. Each construct of an ideological chain is symbolically meaningful for specific cultures and it is the entailments of the construct’s meaning that shape the ideology specifically for the members of that culture.

⁶⁷⁴ Stuart Hall, “Encoding/decoding,” in *Culture, Media, Language; Working Papers in Cultural Studies, 1972-79*, eds. Stuart Hall, Dorothy Hobson, Andrew Lowe, and Paul Willis (London: Routledge, 1980), 136-138.

Since ideologies are socially constructed “‘chains of meanings’”⁶⁷⁵ that frame the way cultural members understand and relate to their social world, ideologies are a site of societal contestation. As constructions ideologies, like meanings and symbols, can be (re)defined. An ideological struggle –a way to define what is considered to be real in the world– occurs:

not only when people try to displace, rupture or contest [an ideology] by supplanting it with some wholly new alternative set of terms, but also when they interrupt the ideological field and try to transform its meaning by changing or re-articulating its associations.⁶⁷⁶

In other words, by reordering, adding or subtracting, and/or transforming the constructs that comprise an ideological chain or the constructs’ entailments, the way in which social and political existence is understood and experienced can be reconstituted.⁶⁷⁷

Reconfiguring the constructs of an ideology “establish[es] a new articulation” that “produc[es] a different meaning.”⁶⁷⁸ This holds true as well when the entailments of a construct(s) is shifted to include different defining characteristics. Consequently, as will be seen in the subsequent analyses of the ideologies of Athenian democracy and American governance, even when ideologies employ core constructs that are seemingly similar, if one or more of the constructs entails different meanings the meaning and the effects of the ideology will differ as well.

⁶⁷⁵ Hall, *The Whites of Their Eyes*, 81.

⁶⁷⁶ Hall, *Signification, Representation, Ideology*, 112.

⁶⁷⁷ Hall, *The Whites of Their Eyes*, 82.

⁶⁷⁸ Hall, *The Whites of Their Eyes*, 81.

Ideological Effects – Functions

In essence, since an ideology is structurally a complex meaning system built upon language, yet also inclusive of all meaningful symbols of a culture, its function also flows from its attributes as a symbolic system of meaning. To be meaningful then an ideology must be consensually agreed upon; its strength and scope of agreement is dependent upon its cultural currency; and just as “meaning cannot be conceptualized outside the field of play of power relations”⁶⁷⁹ neither can an ideology. Consensual agreement is necessary in that ideologies are social constructions that allow cultural members to share the meanings associated with a particular context. The currency of an ideology is established and maintained through how it is circulated, the frequency of its circulation, and its significance. How an ideology is circulated affects its currency through the acceptance of the medium by the cultural members. During the period prior to and during the American Revolution the populace of predominately English citizens came to think of themselves first and foremost as Americans through the messages distributed through the popular medium of the pamphlet. Highly circulated ideologies can gain importance for cultural members through their consistent presence in the culture. The construct of equality in the articulation of the ideology of American governance has been continually conveyed throughout America’s history and remains as a foundational ideal that is consistently circulated. Significance is productive of currency, even when an ideology is rarely circulated, in that its meaning is judged by cultural members as being core to their

⁶⁷⁹ Stuart Hall, “Ideology and Communication Theory,” in *Rethinking Communication, Volume 1: Paradigm Issues*, eds. Brenda Dervin, Lawrence Grossberg, Barbara J. O’Keefe, and Ellen Wartella (Beverly Hills: Sage Publications, 1989), 48.

interpretation and understanding of a particular lived context. For instance, while the significance of knowledge for governing, particularly as exhibited by the founders and framers of America, though not highly circulated, is still a valued construct that resonates with Americans when selecting those who rule over them. Currency is also connected to the power relations in which cultural groups and their ideologies are embedded. Individuals or collectives that have power within a culture and even society are able to privilege particular definitions –knowledge– of meaningful symbols over others. Likewise, cultural members of powerful cultural groups have more influence in defining which particular ideologies shape society and how its members can demonstrate their connection to it. With enhanced power the ability of these cultural members to circulate the ideologies they ascribe to is elevated over the ideologies of other less powerful cultural members. Consequently, these powerful groups have a greater ability to define social reality for its own members and those of the macro-culture. The consensual agreement, currency, and power relations differentiating cultural members provide the baseline for how meanings of an ideology are functionally conveyed to and disseminated throughout society. The real functional power of an ideology though is derived from the “‘material force’”⁶⁸⁰ it prescribes and inscribes upon those who ascribe to its meanings.

Meanings are constitutive of attitudes and actions for those who accept and ascribe to them. These meanings are also used to interpret and conceive of others, one’s self, and the roles each should take up and act out in the world. Similarly, ideologies are

⁶⁸⁰ Stuart Hall, “The Rediscovery of ‘Ideology’: Return of the Repressed in Media Studies,” in *Culture, Society and the Media*, eds. Michael Gurevitch, Tony Bennett, James Curran, and Janet Woollacott (New York: Methuen, 1982), 70.

productive of subject positions that lead to the development and maintenance of related practices, performances, institutions and infrastructures. Althusser highlights this function of ideology when he contends that an ideology is productive of “material existence.”⁶⁸¹ Ideologies work by “produc[ing] different forms of social consciousness.”⁶⁸² As a meaning system productive of a social consciousness an ideology posits a *reality* for the world that influences the way a person should inhabit that reality. Reflective of the structure and function of an ideology, Hall claims that they “are the frameworks of thinking and calculation about the world – the ‘ideas’ which people use to figure out how the social world works, what their place is in it and what they *ought* to do.”⁶⁸³ As such ideologies present ideals about how to be in the world. To be in the world, following the specific social consciousness of an ideology is productive of ideals that frame how an adherent should be, behave, and construct their world.

At the center of ideological materiality is the ideal subject position an ideological chain constructs and continually calls people into.⁶⁸⁴ An ideology provides an ideal ideological formation of the subject that is a model by which an individual compares her/himself to in order to distinguish his or her positionality within the people group adhering to that ideology. When an individual takes up an ideology s/he enters into a

⁶⁸¹ Louis Althusser, “Ideology and Ideological State Apparatuses (Notes Toward an Investigation),” in *Lenin and Philosophy, and Other Essays*, trans .Ben Brewster (London: New Left Books, 1991), 155.

⁶⁸² Hall, *The Whites of Their Eyes*, 82.

⁶⁸³ Hall, *Signification, Representation, Ideology*, 99.

⁶⁸⁴ Althusser, *Ideology and Ideological State Apparatuses*, 159.

circular relationship connecting the ideology to an ideal subject position: “the subject is constitutive of all ideology” only “insofar as all ideology has the function (which defined it) of constituting concrete individuals as subjects.”⁶⁸⁵ At the core of this relationship, according to Althusser, is the dual meaning of the symbol, subject, which he defines as: “(1) A free subjectivity, a centre of initiatives, author of and responsible for its actions; (2) a subjected being, who submits to a higher authority, and is therefore stripped of all freedom except that of freely accepting his submission.”⁶⁸⁶ So while the ideal “[s]ubject ... subjects the subject to the [ideal] subject”⁶⁸⁷ position “a subject, free to obey or disobey the appeal” can embody good or bad individual and collective enactments of the ideal subject position.⁶⁸⁸ While not deterministic, in that individuals have the capacity to select the ideologies they ascribe to, highly accepted ideologies tend to disappear into the background so that its meanings –called forth attitudes and actions– are “taken-for-granted.”⁶⁸⁹ “‘Naturalized’” ideologies typically “work unconsciously”⁶⁹⁰ so that the free subjectivity Althusser notes is subverted in that an ideology guides the individual in accepting its (re)presentation of reality as obvious.

⁶⁸⁵ Althusser, *Ideology and Ideological State Apparatuses*, 160.

⁶⁸⁶ Althusser, *Ideology and Ideological State Apparatuses*, 169.

⁶⁸⁷ Althusser, *Ideology and Ideological State Apparatuses*, 160.

⁶⁸⁸ Althusser, *Ideology and Ideological State Apparatuses*, 169.

⁶⁸⁹ Hall, *The Whites of Their Eyes*, 82.

⁶⁹⁰ Hall, *The Whites of Their Eyes*: 82.

For a person to belong to a culture s/he is called to a subject position that performs practices supportive of particular forms of institutions and institutional infrastructure. Hall contends that ideological meanings:

are through and through inscribed in social relations and structures. They function and operate socially only insofar as they are and can be, by specific cultural and political practices, articulated to various social positions, and insofar as they constitute and reconstitute social subjects.⁶⁹¹

When an individual is responsive to the call of an ideology s/he enters into a relationship that is constitutive of a sense of belonging to the ideals of the ideology and other individuals who subscribe to the reality it constructs. The act of belonging, according to Kraus, involves a “self-positioning” as well as being “positioned by others.”⁶⁹² The state of belonging then is an enactment of a subject position that is “negotiated, tested, confirmed, rejected or qualified again and again.”⁶⁹³ The symbolic meaning of an ideological chain moves a person to take up the attitudes and acts the ideological meaning calls for and entails. In other words, just as the “ideas”⁶⁹⁴ held by an individual typically guide a person’s acts, which are material, a people form institutions that empower the manifestation of their ideas through supportive practices; for as Althusser claims “there is no practice except by and in an ideology.”⁶⁹⁵ Or stated differently, an ideology functions through practices that, as they are taken up, transform individuals into subjects, who in

⁶⁹¹ Hall, *Ideology and Communication Theory*, 48.

⁶⁹² Wolfgang Kraus, “The Narrative Negotiation of Identity and Belonging,” *Narrative Inquiry* 16, no. 1 (January 2006): 109.

⁶⁹³ Kraus, *The Narrative Negotiation of Identity and Belonging*, 109.

⁶⁹⁴ Althusser, *Ideology and Ideological State Apparatuses*, 158.

⁶⁹⁵ Althusser, *Ideology and Ideological State Apparatuses*, 159.

turn (re)constitute and (re)circulate the ideology symbolically through associated meaningful symbols and materials.

Ideologies, due to symbolic residual their function in the societal and cultural context leaves behind, are an effective means to investigate how different associations of people have governed themselves. There are two historical instantiations of governance relevant for this inquiry into democracy and democratic governance. The first occurred in ancient Athens and the later manifested during the period of the founders and framers of America. To highlight the key differences between these two forms of governance the core constructs of their ideological chains and their entailments will be established. The differing ideological effects –functions– of both will also be explicated. Through this investigation the form of governance that provides the most productive means for the realization of authentic governance –direct democracy of ancient Athens– will then be used as a model to generate a system of authentic democratic governance that could be employed in the contemporary American context.

Athenian Democracy

The day began with the sun rising out of the Aegean Sea, cresting the island of Salamis before directly shining its light upon Athens' port city of Piraeus. Rowers, officers, tack, and minimal supplies were all on board as the rowers slipped their oar blades into the water to launch the warship, a trireme. The rowing master, *keleustês*, set the pace as the ship glided through the protected and fortified harbor that housed the might of the Athenian people, its navy. With the rhythm of one single beating heart one hundred and seventy men simultaneously pulled one hundred and seventy oars to power

the ship through the sea. History greeted the crew as they turned the trireme to the North and merged with others to form a squadron that would patrol the vital sea routes to the Hellespont. Mere decades ago, in 480 B.C. the greatest naval battle the Athenians had ever participated in occurred between the Persians and the Greeks in the narrow slip of water between Athens and the island of Salamis. Pushed to the brink by the invading hordes of barbarians, who crushed the Spartan led Greek army at the Battle of Thermopylae and occupied and burned to the ground an evacuated Athens, the Greeks routed the vastly numerically superior Persian fleet at Salamis and later vanquished the Persian army in 479 B.C. at the battle of Plataea.

Athens, with its massive, unparalleled navy, emerged from the war, along with the Spartans, as a leader of the Greeks. Not only did victory and preeminence crown Athens but all of its citizens as well. Nearly a quarter of a century before the battle of Salamis the Athenians had instituted reforms that had firmly established their democratic orientation and with the success of its navy, populated by all of the classes of free Athenian male citizens, democracy had also benefitted. As Aristotle would later claim, democracy in Athens was strengthened through “the victory of Salamis, which was gained by the common people who served in the fleet.”⁶⁹⁶ Reflecting back on that history the *trierarch* or captain of the trireme, standing upon its deck, looked down into the hull of the ship, *Demokratia*,⁶⁹⁷ to see the power of Athens at its oars: democratic, free citizens.

⁶⁹⁶ Aristotle, *Politics*, 197.

⁶⁹⁷ Mogens Herman Hansen, *The Athenian Democracy in the Age of Demosthenes: Structures, Principles, and Ideology*, trans. J. A. Crook (Oxford, Blackwell Publishing, 1991), 83.

Power: Empowered for Self-Rule

Democracy for the Athenians was an emerging phenomenon that centered on a crucial core construct. In Greek, the word democracy unites, “*kratos*, a term for power, and *demos*, a term for ‘the people’.”⁶⁹⁸ Josiah Ober notes that while *dēmokratia* can be translated as “the power of the people” it was more likely that to the citizens of Athens, democracy meant “‘the capacity of a public ... to accomplish things of value in the public realm’ – thus ‘the empowered people’.”⁶⁹⁹ Robert Dahl notes:

“during the first half of the fifth century when ‘the people’ (the *demos*) steadily gained acceptance as the sole legitimate authority in *ruling*, the word ‘democracy’ – rule by the people – also seems to have gained ground as the most appropriate name for the new system.”⁷⁰⁰

In other words, as political theorist Sheldon Wolin writes, the citizens of Athens came to recognize “that the power of the polis was, in large measure, their power.”⁷⁰¹ Aristotle’s own analysis of democracy, “democracy is the form of government in which the free are rulers,”⁷⁰² clearly conveyed this notion of the people, deemed citizens, being empowered for self-rule. It must be remembered that in ancient Athens the empowered citizenry was narrowly conceived to exclude women, children, foreigners, and slaves. Yet by putting power into the hands of this narrow band of citizens –Athenian males– Athenian democracy did something that was up to that point historically and politically

⁶⁹⁸ Ober, *What the Ancient Greeks Can Tell Us About Democracy*, 70.

⁶⁹⁹ Ober, *What the Ancient Greeks Can Tell Us About Democracy*, 70.

⁷⁰⁰ Dahl, *Democracy and Its Critics*, 14.

⁷⁰¹ Wolin, *Norm and Form*, 46.

⁷⁰² Aristotle, *Politics*, 151.

inconceivable; it elevated those who had previously been ruled to a position of collectively ruling the affairs of their own country.

This core construct of an *empowered people*, which was positioned at the center of the Athenians' ideological cluster for democracy, did not stand alone. Here the definition of mere definition of democracy fails us and necessitates a more complete explication of its additional core constructs. This is especially true since democracy represented more than simply the Athenian way of governance; it defined for many their way of being in the world.⁷⁰³ As such, the core construct of democracy –an *empowered people*– fostered a number of other core constructs or significant ideas and practices.

Knowledge: A Finite Human Capacity

If *empowered people* is set as the cornerstone of Athenian democracy, then two significant beliefs about governance and knowledge provided foundation stones which functioned to justify, in part, the people's right to rule through self-government. The first belief, that citizens are sufficiently knowledgeable to govern their public affairs,⁷⁰⁴ is implied in Aristotle's observation that "the many, of whom each individual is but an ordinary person, when they meet together may very likely be better than the few good, if regarded not individually but collectively."⁷⁰⁵ The citizens of Athens believed that they

⁷⁰³ David Held, *Models of Democracy*, 3rd ed. (Stanford: University of Stanford Press, 2006), 14.

⁷⁰⁴ Paul Woodruff, *First Democracy: The Challenge of an Ancient Idea* (Oxford: Oxford University Press, 2005), 24.

⁷⁰⁵ Aristotle, *Politics*, 121.

“were competent to make political judgments” about “matters of substance”⁷⁰⁶ because they held that “political expertise – or political ‘wisdom’ – belongs to the political community.”⁷⁰⁷ Each citizen brought to the political decision-making process knowledge of their own lives, burdens, and needs. As a result they were in the best position to ascertain what collectively binding decisions needed to be addressed and which proposals would likely be the most beneficial to the common good of the political community.

In addition, since the Athenian people were the end users of the collectively binding decisions, the citizenry was also in the unique position to know the effectiveness of their decisions.⁷⁰⁸ Therefore, if a political decision was deemed ineffective, they were the best entity to bring the decision back to the table for revision. This belief implicates the second belief that since governance involves decisions about uncertain probable outcomes for which no one has adequate knowledge to forecast with certainty, then no one person or group has the right to usurp the citizens’ ability to determine the decisions that govern their public lives.⁷⁰⁹ This belief is reflected in Isocrates’ premise “that foreknowledge of future events is not vouchsafed to our human nature ... for mankind this power lies in the realms of the impossible.”⁷¹⁰ Both of these democratic beliefs rest

⁷⁰⁶ Wood, *Democracy*, 78-79.

⁷⁰⁷ Castoriadis, *Philosophy, Politics, Autonomy*, 108.

⁷⁰⁸ Aristotle, *Politics*, 124.

⁷⁰⁹ Woodruff, *First Democracy*, 24.

⁷¹⁰ Isocrates, “Antidosis,” in *The Rhetorical Tradition: Readings from Classical Times to the Present*, 2nd ed., Patricia Bizzell and Bruce Herzberg, trans. George Norlin (Boston: Bedford/St. Martin’s, 2001), 72.

upon a claim that the knowledge and ability to rule are not exclusive to any individual or set of individuals but can be found in each citizen, especially when making decisions collectively.

Liberty: The Heart of Democracy

The Athenian conception of democracy also received ideological support from two other ideals. As classical theorist Mogens Hansen argues, “democracy is connected first of all with liberty, next with equality.”⁷¹¹ In his analysis of democracy, Aristotle contended that its defining principle⁷¹² and its end was *eleutheria*, or freedom.⁷¹³ “The basis of a democratic state,” he claimed, “is liberty.”⁷¹⁴ Writing some two hundred years prior to Aristotle “the Athenian statesman and poet” Solon, linked freedom to the “prerogatives and rights of Athenian citizens.”⁷¹⁵ Even though after Solon freedom could have represented liberty from tyranny⁷¹⁶ it was not until the completion of the Persian

⁷¹¹ Mogens Herman Hansen, “The Ancient Athenian and the Modern Liberal View of Liberty as a Democratic Ideal,” in *Ancient Greek Democracy: Readings and sources*, ed. Eric W. Robinson (Malden, MA: Blackwell Publishing, 2004), 171.

⁷¹² Aristotle, *Politics*, 163.

⁷¹³ Aristotle, “Rhetoric,” in *The Rhetorical Tradition: Readings from Classical Times to the Present*, 2nd ed., Patricia Bizzell and Bruce Herzberg, trans. W. Rhys Roberts (Boston: Bedford/St. Martin’s, 2001), 196.

⁷¹⁴ Aristotle, *Politics*, 239.

⁷¹⁵ Charles W. Hedrick Jr., “The Zero Degree of Society: Aristotle and the Athenian Citizen,” in *Athenian Political Thought and the Reconstruction of American Democracy*, eds. J. Peter Euben, John R. Wallach, and Josiah Ober (Ithaca: Cornell University Press, 1994), 311.

⁷¹⁶ Woodruff, *First Democracy*, 67.

Wars, in 479 B.C., that freedom was established in Athens as a “political concept.”⁷¹⁷

Learning from the war experience, the Greeks witnessed the difference between their fighting spirit and that of the Persians. While the Persian soldiers served and fought as the slaves of King Darius, the Greeks were freemen fighting for their homes, families, livelihood, and lives. This distinction, cemented in the Athenians’ consciousness through the victory over the Persians, “laid the foundations,” according to classical scholar Martin Ostwald, “for the later view that democracy is the only ‘free’ form of government.”⁷¹⁸ Liberty or *eleutheria* was the ideal that defined the person, the *polis* and the political sphere of Athens.⁷¹⁹

Half a century later, Pericles, Athens’ leading politician who led the Athenians into the Peloponnesian War, summarized the merits of democracy when he claimed that the citizens of Athens “are open and free in the conduct of [their] public affairs.”⁷²⁰ In fact, Pericles went on to claim that an Athenian “who takes no part in public affairs,” was a citizen who leads “a useless life.”⁷²¹ Addressing Pericles’ comments, Hansen points out that one of the basic ideals Pericles emphasized in his speech was that “freedom [was] a

⁷¹⁷ Martin Ostwald, “Review: The Greek Concept of Freedom,” *The Classical Review, New Series* 38, no. 1 (April 1998): 83.

⁷¹⁸ Ostwald, Review, 83.

⁷¹⁹ Hansen, *The Athenian Democracy in the Age of Demosthenes*, 75-76.

⁷²⁰ Thucydides, *The Peloponnesian War*, 91.

⁷²¹ Thucydides, *The Peloponnesian War*, 92.

feature of public life.”⁷²² To be free in Athens meant to be a citizen who participated in the government. Specifically, Athenians held that “the essence of their freedom was the right of any citizen to speak in the Assembly” which was their governing body.⁷²³ Freedom afforded Athenian citizens the ability to decide their collective future. As Aristotle noted, “all things should be decided by all is characteristic of democracy.”⁷²⁴ This kind of freedom, which entailed and protected the right of participation in the collectively binding decision-making process, links to the second pivotal construct necessary for *empowering people* within a democracy: equality.

Equality: The Functional Realization of a Fundamental Right

The Athenian conception of *isotēs*, or equality begins with their view of human nature. Aristotle claimed that “man is by nature a political animal” who “desires to live together.”⁷²⁵ He insisted that “man is by nature adapted to a social existence.”⁷²⁶ Moving beyond the narrow constraints of the culture’s androcentric orientation, according to this view, ontologically human beings share in a fundamental drive to congregate with one another. To be “fully human,” to manifest “qualities of excellence as human beings” people have to forge connection with others to fulfill their “nature [as] social beings.”⁷²⁷

⁷²² Hansen, *The Ancient Athenian and the Modern Liberal View of Liberty as a Democratic Ideal*, 172.

⁷²³ Woodruff, *First Democracy*, 67.

⁷²⁴ Aristotle, *Politics*, 176.

⁷²⁵ Aristotle, *Politics*, 112.

⁷²⁶ Aristotle, *Nicomachean Ethics* (Mineola, NY: Dover Publications, 1998), 8.

It is through association with one another that humanity is able to exceed its capabilities as individuals and thereby perform exceptional deeds.

Sophocles points to humanity's uniqueness among the world's animals when in the play, *Antigone*, he extols the great consequences that arise out of humanity's generic nature.⁷²⁸ He proclaims that "numberless wonders, terrible wonders walk the world but none the match for man ... [for] he conquers all, taming with his techniques."⁷²⁹ Of all the mortal beings in the world, humanity, according to Sophocles, is an unfathomable and awe-inspiring wonder who rules over all the other creatures. Beyond their preeminence among their fellow animals human beings also exhibit a capacity for the political arts in that they have "speech and thought, quick as the wind and the mood and mind for law that rules the city – all these he has taught himself."⁷³⁰ Humanity does not just rule over the beast of the fields, but they also have the capacity to learn how to meet the need of their fundamental nature for living in society. From this perspective human beings, share in a "generic humanity"⁷³¹ that exhibits a common fundamental human nature, which for the Athenians was established at the point of creation.

⁷²⁷ Dahl, *Democracy and Its Critics*, 14-15.

⁷²⁸ Woodruff, *First Democracy*, 131.

⁷²⁹ Sophocles, *Sophocles: The Three Theban Plays*, trans. Robert Fagles (New York: Penguin Books, 1984), 76, 376-377, 391.

⁷³⁰ Sophocles, *Sophocles*, 77, 395-397.

⁷³¹ Woodruff, *First Democracy*, 131.

When it was time for “mortal creatures” to be formed “out of a mixture of earth and fire”⁷³² according to the creation myth told by Protagoras, the Greek deity, Epimetheus, convinced his brother, Prometheus to allow him to distribute to each creature its unique powers and nature. While Epimetheus equipped all of the “brute beasts,” attending to the “principle of compensation” to guide his distribution of means for their mutual survival, he forgot “the human race ... [leaving it] unprovided for.”⁷³³ Consequently, Prometheus found humanity to be “naked, unshod, unbedded, and unarmed.”⁷³⁴ As the appointed time for the work of Epimetheus and Prometheus to be inspected by the pantheon of gods and goddesses approached, Prometheus stole fire and the civilizing arts from Hephaestus and Athena in order to imbue human beings with “sufficient resources to keep himself alive.”⁷³⁵ Human beings were brought forth from the earth “into the daylight”⁷³⁶ with a nature to worship, speak, name, and invent, which allowed people to meet their basic human needs of shelter, clothing, and sustenance.

Constituted as such, individuals emerged on the earth “weaker” than the beasts since they lacked the means to protect themselves. Even when they gathered in “fortified cities” for mutual defense they “injured one another” due to their lack of “political

⁷³² Plato, Protagoras, 318.

⁷³³ Plato, Protagoras, 319.

⁷³⁴ Plato, Protagoras, 319.

⁷³⁵ Plato, Protagoras, 319.

⁷³⁶ Plato, Protagoras, 319.

skill.”⁷³⁷ Unable to live in community with one another they scattered and once more faced being devoured by the beasts.⁷³⁸ Looking down upon the earth Zeus, “fearing the total destruction of [the human] race,” decreed that Hermes impart to all the virtues of “respect for others and a sense of justice.”⁷³⁹ With these further endowments human beings were now able to “bring order to [their] cities and create a bond of friendship and union.”⁷⁴⁰ Humanity then, rooted in a common nature as gifted by the gods, share in a fundamental or natural equality.

Protagoras related the creation myth as an argument to convince Socrates that human nature indicated their fundamental equality and that they could be educated in virtue. This view is also expressed in Sophocles’ *Antigone*. When Sophocles wrote that in relation to humanity and the political, *all these he has taught himself*, Sophocles was distinguishing a midpoint between a fundamental and a functional equality based in observation: while humans have the potential for the political arts, the art is something learned. The connective thread between the political arts and learning as understood by the Athenians, claims classical philosopher Paul Woodruff, is humanity’s ability for language acquisition.

⁷³⁷ Plato, Protagoras, 319.

⁷³⁸ Plato, Protagoras, 319.

⁷³⁹ Plato, Protagoras, 319-320.

⁷⁴⁰ Plato, Protagoras, 320.

According to Woodruff, the Athenians “knew that language can weave society together” and “that language is the medium of government.”⁷⁴¹ Being the *political animal*, driven to live together, society is actualized through our capacity to communicate with one another. In a particularly illuminating passage, Isocrates claimed that the power of language and speech or “the art of discourse ... belong[s] to the nature of man, is the source of most of our blessings.”⁷⁴² Explicating the claim that communication lies at the heart of humanity’s commendable accomplishments, Isocrates stated:

...because there has been implanted in us the power to persuade each other and to make clear to each other whatever we desire, not only have we escaped the life of wild beasts, but we have come together and founded cities and made laws and invented arts; and, generally speaking, there is no institution devised by man which the power of speech has not helped us to established. For this it is which has laid down laws concerning things just and unjust, and things honorable and base: and if it were not for these ordinances we should not be able to live with one another.⁷⁴³

In this passage Isocrates established that the political arts are dependent on the human potential for language acquisition and usage. Therefore, as Woodruff argues, the Athenians reasoned that since, “all humans have the potential for learning and using languages” humanity is also “capable, by nature”⁷⁴⁴ to employ language to govern.

Connecting the fundamental equality of human beings and the ability to learn a language is important in that it highlights a distinction that the Athenians made in relation to equality. While Protagoras does not link language and the political arts, he does argue

⁷⁴¹ Woodruff, *First Democracy*, 138.

⁷⁴² Isocrates, *Antidosis*, 75.

⁷⁴³ Isocrates, *Antidosis*, 75.

⁷⁴⁴ Woodruff, *First Democracy*, 138.

that there is a bridge between the political arts and learning; that the virtues required for governing well can be taught. He stated that the Athenians “do not regard it [the political arts] as innate or automatic, but as acquired by instruction and taking thought.”⁷⁴⁵ In his argument, Protagoras, identifies a tension between the gods’ gifts, fundamental equality, and the development of these capacities.

In analyzing Protagoras’ creation myth and his further dialogue with Socrates, political theorist Ryan Balot, argues that Protagoras offers “a justification of the democratic view that all citizens have a (roughly) equal capacity to contribute to political discussions.”⁷⁴⁶ In defining capacity, Aristotle claimed that it is an ability inherent to a species according to its nature: “Capacities we have by nature.”⁷⁴⁷ In his explication of capacities a key phrase that Aristotle included is, “we are able.”⁷⁴⁸ In other words, a capacity is not a guarantee, but indicates an ability or a potentiality. This conception of capacity is paramount in understanding that even though every human being, according to Protagoras, has these capacities, their ability to enact them well or virtuously is not equal. The notion of “rough equality”⁷⁴⁹ acknowledges that even though all humans are equal in their capacity for political wisdom –mutual respect, sense of justice (Protagoras)– or *the mood and mind for law that rules the city* (Sophocles) –it also admits

⁷⁴⁵ Plato, Protagoras, 320.

⁷⁴⁶ Ryan Balot, *Greek Political Thought* (Malden, MA: Blackwell Publishing, 2006), 76.

⁷⁴⁷ Aristotle, *Nicomachean Ethics*, 25.

⁷⁴⁸ Aristotle, *Nicomachean Ethics*, 25.

⁷⁴⁹ Balot, *Greek Political Thought*, 77.

that “no one believes that these virtues are inborn qualities.”⁷⁵⁰ Rough equality allows for “natural differences in ability” and “differential levels of talent.”⁷⁵¹ Rough equality acknowledges the experiential, in that the human social experience demonstrates that while an individual can be viewed as fundamentally equal he or she is not equal in relation to the abilities and resources of others within his or her own community.

It appears then, that Athenians considered individuals to be fundamentally equal in their capacity for the political arts even though life demonstrated that through fortuitous birth, an abundance of gifts from nature, education, or possession of power, some did rise above the others. Some people *are* born into positions of status and wealth, have greater intellect or knowledge, are gifted with physical prowess, or have more refined moral virtues and these realities affect how fundamental equality is practiced functionally within society. These advantages of birth, genetics, and/or privilege can be parlayed into beneficial social distinctions that result in beneficial power differentials which then elevate their possessors politically over those less fortunate.⁷⁵²

Fortune becomes a point of distinction only when it is referenced against another. Capacities and abilities have to be demonstrated in relationship to the capacities and abilities of others before certain abilities can emerge as being privileged. Consequently, it is in the realm of politics, the realm of association, that distinctions become apparent,

⁷⁵⁰ Balot, *Greek Political Thought*, 76.

⁷⁵¹ Balot, *Greek Political Thought*, 77.

⁷⁵² Sheldon S. Wolin, “Hannah Arendt: Democracy and the Political,” in *Hannah Arendt: Critical Essays*, eds. Lewis P. Hinchman and Sandra K. Hinchman (Albany: State University of New York Press, 1994), 289.

evaluated, and certain abilities are valued over others. It is out of the space *in between* people –when an individual or an association of individuals decides that in order to accomplish a certain goal, common effort is necessitated– that the realm of politics emerges.⁷⁵³ Wolin points out –just as Protagoras indicated in the creation myth– that for human beings to “survive, meet their needs, and begin to explore their capacities and the remarkable world into which they have been cast” they must share in a “common life [that] resides in ... cooperation and reciprocity.”⁷⁵⁴ It is here, in the collective, where the individual strength of humanity is transformed into power. “The nature of human power” in the words of political scientist Hannah Arendt, “comes into being only if and when men join themselves together for the purpose of action.”⁷⁵⁵ Or as Wolin contends, “the common life and the political culture emerge to the accompaniment of power.”⁷⁵⁶ Or even more succinctly, “politics” according to political theorist David Held, “is about power.”⁷⁵⁷

Hannah Arendt contends that “power – which no individual can ever possess ... arise[s] only out of the cooperative action of many people.”⁷⁵⁸ Power, is found in the “in-between space” where people join together to manifest “the *capacity* of social agents,

⁷⁵³ Arendt, *On Revolution*, 174.

⁷⁵⁴ Wolin, Hannah Arendt: Democracy and the Political, 303.

⁷⁵⁵ Arendt, *On Revolution*, 174.

⁷⁵⁶ Wolin, Hannah Arendt: Democracy and the Political, 303.

⁷⁵⁷ Held, *Models of Democracy*, 270.

⁷⁵⁸ Arendt, *The Promise of Politics*, 99.

agencies and institutions to maintain or transform their environment, social or physical.”⁷⁵⁹ Once human beings live in society, the abilities related to their political capacities become more significant and endowed with power. Out of the embodied differences enacted in the political realm, inequalities of power that were individual or familial become magnified exponentially within the political realm.

It is in the political realm where individuals access their “world-building capacity ... of making and keeping promises.”⁷⁶⁰ By making and keeping promises with one another, people instantiate *common effort*. To address the tension between the fundamental equality of capacities and the natural inequalities of abilities, the citizens of Athens constructed and refined a space where power inequalities based on social distinctions such as, “wealth, birth, and education,”⁷⁶¹ could be mitigated. A fundamental equality that employs language to weave together society might be the gift of the gods, but a functional or “normative”⁷⁶² equality in which individuals live as equals would have to be “conventional and artificial.”⁷⁶³ Arendt, argues that in Athens, this functional equality was the result “of human effort” within the “political realm, where men met one another as citizens.”⁷⁶⁴ In democracy the Athenians created “an artificial institution,”⁷⁶⁵

⁷⁵⁹ Held, *Models of Democracy*, 270.

⁷⁶⁰ Held, *Models of Democracy*, 175.

⁷⁶¹ Wolin, Hannah Arendt: Democracy and the Political, 289.

⁷⁶² Balot, *Greek Political Thought*, 82.

⁷⁶³ Arendt, *On Revolution*, 23.

⁷⁶⁴ Arendt, *On Revolution*, 23.

where individuals would be considered equal as citizens who could make and enact their self-governance. Athenian equality then, acknowledged the fundamental equality of human capacities and recognized their rough equality as experienced in differing abilities and power differentials. Therefore the Athenians constructed a space in which, as citizens, they could enact a functional equality through political participation.

Throughout this explication of Athenian democracy and its justifications, “the concepts of *dēmokratia-eleutheria-isotēs*” or democracy-freedom-equality have been linked together to form “a set of political ideals.”⁷⁶⁶ These ideals functioned as “the core of democratic political ideology”⁷⁶⁷ for the Athenian citizens. In addition, as mentioned at the outset, Athenian beliefs regarding the nature of knowledge also formed part of their core constructs of democracy. The ideology of Athenian democracy thus far, includes empowerment, freedom, equality, and sufficient knowledge to rule. To establish a complete picture of the Athenian ideology of democracy one more core construct was considered to be foundational.

Participation: Being a Democratic Citizen

Athenian democracy was not merely a set of concepts or ideals, but it was also “a political system”⁷⁶⁸ that was “constituted through institutions, practices”⁷⁶⁹ and the

⁷⁶⁵ Arendt, *On Revolution*, 23.

⁷⁶⁶ Hansen, *The Ancient Athenian and the Modern Liberal View of Liberty as a Democratic Ideal*, 171.

⁷⁶⁷ Hansen, *The Ancient Athenian and the Modern Liberal View of Liberty as a Democratic Ideal*, 172; and Balot, *Greek Political Thought*, 49.

materiality of Athens. The institutions and the practices the Athenians developed enabled “as far as possible ... [the] active involvement of the citizens.”⁷⁷⁰ Wolin makes this contention when he states that “the most crucial and revealing element in Athenian democracy was the system of annual rotation in office, the lot, and the public subsidization of citizen participation.”⁷⁷¹ Aristotle supported the importance of the institutions of democracy when he clearly articulated its embodied, experiential practices in two passages from *Politics*. “For if liberty and equality,” he wrote, “...are chiefly to be found in democracy, they will be best attained when all persons alike share in the government to the utmost.”⁷⁷² To secure the fundamental ideal of democracy—for the citizenry to be *empowered*—the Athenians believed that self-governance meant actual, direct participation in the government. As noted earlier in the discussion on freedom, the statesman Pericles defined a non-participant in the public affairs of Athens as being *useless*. An individual, who did not participate in the process of guiding Athens politically, did not enact or maintain the ideals of Athenian freedom or equality.

⁷⁶⁸ Hansen, *The Ancient Athenian and the Modern Liberal View of Liberty as a Democratic Ideal*, 171.

⁷⁶⁹ Kurt A. Raaflaub and Robert W. Wallace, “‘People’s Power’ and Egalitarian Trends in Archaic Greece,” in *Origins of Democracy in Ancient Greece*, eds. Kurt A. Raaflaub, Josiah Ober, and Robert W. Wallace (Berkeley: University of California Press, 2007), 22.

⁷⁷⁰ P. J. Rhodes, “General Introduction,” in *Athenian Democracy*, ed. P. J. Rhodes (New York: Oxford University Press, 2004), 3.

⁷⁷¹ Wolin, *Norm and Form*, 42.

⁷⁷² Aristotle, *Politics*, 156.

Later, Aristotle connected the ideals of democracy to the embodied and experiential practices within Athens' institutions of governance. That the Athenians also conceived of their form of governance through a variety of forms of participation is clear when Aristotle defined democracy's characteristics as:

...the election of officers by all out of all; and that all should rule over each, and each in his turn over all; that the appointment to all offices, or to all but those which require experience and skill, should be made by lot; that no property qualification should be required for offices, or only a very low one... all men should sit in judgment....⁷⁷³

Here he clearly indicated that the positions of Athenian governmental power were open to all citizens – Athenian males. By the mid 400s B.C. any Athenian citizen could be elected or assigned by lot to political positions. More commonly they could preside over the courts to adjudicate both private cases and public affairs such as when they scrutinized the performance of fellow citizens during their terms in political office. To be an *empowered people* required that the people rule and as rulers they must act to maintain their position of power. For the Athenians, to rule obligated their direct participation in the political realm.

Athenians did not just fill their political posts in an egalitarian fashion, they participated in formulating the collectively binding decisions they lived under in a like manner as well. In Athens, the ability to rhetorically engage over the issues that produced collectively binding decision was believed to be the legitimate domain of the entire citizenry. "Democratic decision making" for the Athenians, according to Ober, "was predicated on public speech making, that is, on the public practice of rhetoric."⁷⁷⁴ Such

⁷⁷³ Aristotle, *Politics*, 239-240.

regard for an egalitarian view of governance and rhetorical engagement was engendered from their political arrangement of direct democracy. For the Athenians, political activity was rooted in their understanding of *isonomia*, or free constitution.⁷⁷⁵ *Isonomia* meant “that all have the same claim to political activity,” which “primarily took the form of speaking with one another ... essentially the equal right to speak.”⁷⁷⁶ The ability of Athenians to govern themselves was “based on what Pericles refer[red] to as ‘proper discussions’, i.e. free and unrestricted discourse,” which were “guaranteed by *isegoria*, an equal right speak in the sovereign assembly.”⁷⁷⁷ Pericles though, did not simply refer to *discussions* as one of direct democracy’s characteristics or as a means to achieve functional equality in the political realm, he lauded the act of discussion or rhetorical engagement as a means for arriving at wise decisions: “public men have, besides politics, their private affairs to attend to, and our ordinary citizens, though occupied with the pursuits of industry, are still fair judges of public matters.”⁷⁷⁸ He went on to contend that “instead of looking on discussion as a stumbling block in the way of action, we think it an indispensable preliminary to any wise action at all.”⁷⁷⁹ In deciding the course of their

⁷⁷⁴ Ober, *What the Ancient Greeks Can Tell Us About Democracy*, 75.

⁷⁷⁵ Arendt, *The Promise of Politics*, 118.

⁷⁷⁶ Arendt, *The Promise of Politics*, 118.

⁷⁷⁷ Held, *Models of Democracy*, 14-15.

⁷⁷⁸ Thucydides, “Pericles’ Funeral Oration,” in *Athenian Democracy and Imperialism*, ed. Loren J. Samons II and trans. R. Crawley) (Boston: Houghton Mifflin, 1998), 31.

⁷⁷⁹ Thucydides, *Pericles’ Funeral Oration*, 31.

collective action, their *world-building* capacities, the Athenians prized the participation of the entire body politic of citizens, not just that of the rich, privileged, and intelligent. Just as freedom was enacted through participation in the rhetorical engagements that lead to collectively binding decisions; so too were equality and empowerment. In ancient Athenian democracy the right to speak, to have an equal voice in the political decision-making process, was essential for fair and authentic democracy.

With the act of rhetorical engagements set as his contextual ground, is it no wonder that Aristotle is considered to be “the first major theorist to defend”⁷⁸⁰ political deliberation. For instance, he argued that “for each individual among many has a share of excellence and practical wisdom, and when they meet together, just as they become in a manner one man ... the many are better judges than a single man...”⁷⁸¹ Athenians believed that the knowledge of the many, when accessed through the direct participation of the citizenry, would provide a means for arriving at better collectively binding decisions. For democratic Athens, it was the democratic rhetorical engagements between its citizens that drove and sustained its democracy.

Conclusion: Democracy Interrupted

Through the “first democratic transformation”⁷⁸² the capacity to rule in Athens was extended from the few to the many. This revolutionary conception of the political realm and its reification as practices, institutions, and materiality exhibited linkages

⁷⁸⁰ Gutmann and Thompson, *Why Deliberative Democracy?* 8.

⁷⁸¹ Aristotle, *The Politics and The Constitution of Athens*, ed. Jonathan Barnes (Cambridge, UK: Cambridge University Press, 1996), 76.

⁷⁸² Dahl, *Democracy and Its Critics*, 1.

between unique ideals about power, knowledge, freedom, equality, and participation.

While the ideals of freedom and equality strongly resonate with contemporary associations with democracy, it was the Athenians' belief about power that distinguished the center of the Athenians' core constructs or ideology regarding democracy. First and foremost, in Athens, democracy related to a particular distribution of power. That is, its citizens were empowered to rule over their collective efforts and were considered to be sufficiently knowledgeable to do so. To concretize their notion of power, the Athenians created a political space where it was possible to experience and enact their knowledge, freedom, equality, and ultimately their power functionally.

In Athens, the citizenry's claim to self rule and their democratic ideology evolved from its rough beginnings with the reforms of Solon in 594/3 B.C., the revolutionary rupture in 508/7 B.C. that led to Cleisthenes' reforms, and its "culmination" in 462/1 at the instigation of Ephialtes.⁷⁸³ While interrupted by brief forays with oligarchic rule in 411-410 B.C. and 404-403 B.C.,⁷⁸⁴ democracy remained solidly entrenched in Athens. The classical age of Athenian democracy came to a close when in 322/1 B.C. "a Macedonian army seized Athens and suppressed [its] democratic institutions"⁷⁸⁵ and in 317 B.C. the Macedonians installed a governor. The spark of democracy did not substantially reignite until the fires of the American Revolution erupted nearly 2100 years later.

⁷⁸³ Rhodes, "General Introduction, 2-3.

⁷⁸⁴ Rhodes, "General Introduction, 3.

⁷⁸⁵ Woodruff, *First Democracy*, 58.

CHAPTER FIVE: IDEOLOGY OF AMERICAN GOVERNANCE

... beset with difficulties and dangers, we were fellow laborers in the same cause, struggling for what is most valuable to man, his right of self-government. Laboring always at the same oar, with some wave ever ahead threatening to overwhelm us and yet passing harmless under our bark, we knew not how, we rode through the storm with heart and hand, and made a happy port.⁷⁸⁶

—Thomas Jefferson, *Thomas Jefferson: Writings*

Introduction: Ideology of American Governance

Reemerging on the world stage with the American Revolution, democratic governance, once again placed the *empowered people* on trial. Thomas Jefferson repudiated governance of the one or few over the many – “Every government degenerates when trusted to the rulers of the people alone” – and averred the people as “its only safe depositories.”⁷⁸⁷ Such confidence in the “safe depository of the ultimate powers of the society [in] the people themselves”⁷⁸⁸ and the recognition that this belief had “not been fairly and sufficiently tried”⁷⁸⁹ led Jefferson to acknowledge that “the event of our experiment is to show whether man can be trusted with self-government.”⁷⁹⁰ Like,

⁷⁸⁶ Jefferson, *Thomas Jefferson: Writings*, 1259.

⁷⁸⁷ Jefferson, *Thomas Jefferson: Writings*, 87.

⁷⁸⁸ Jefferson, *Thomas Jefferson: Writings*, 89.

⁷⁸⁹ Jefferson, *Thomas Jefferson: Writings*, 44.

⁷⁹⁰ Jefferson, *Thomas Jefferson on Democracy*, 27.

Jefferson, George Washington recognized the tenuous nature of the endeavor on which the nation was embarking. In his *First Inaugural Address* he exhorted the people to remember that “the sacred fire of liberty and the destiny of the republican model of government are ... staked on the experiment intrusted to the hands of the American people.”⁷⁹¹ In this trust, the people were deemed to be the “the only legitimate fountain of power.”⁷⁹² Stepping out from the shadow of the British Empire the American revolutionaries were thrust into a necessity; to determine how to best govern themselves now that they were free of the imposition of the British Parliament and Crown.

Thomas Paine, in *Common Sense*, recognized the unique situation that independence would afford the people: “The present time, likewise, is that peculiar time which never happens to a nation but once, viz. the time of forming into a government.”⁷⁹³ Throughout the history of nation formation, Paine argued that when presented with similar circumstances, “most nations have let slip the opportunity,” only to find that government was then thrust upon them. He continued by encouraging the people to “learn wisdom, and lay hold of the present opportunity – *to begin government at the right end*.”⁷⁹⁴ For Paine the right end of government was its lifeblood, the people.

⁷⁹¹ George Washington, “First Inaugural Address,” in *A Compilation of the Messages and Papers of the Presidents*, vol. 1, ed. James Daniel Richardson (Washington, D.C.: Bureau of National Literature and Art, 1897), 45.

⁷⁹² James Madison, “Federalist #49,” in *The Federalist* (New York: Barnes and Noble Classics, 2006), 280.

⁷⁹³ Thomas Paine, “Common Sense,” in *Selected Writings of Thomas Paine*, ed. Richard Emery Roberts (New York: Everybody’s Vacation Publishing, 1945), 34.

⁷⁹⁴ Paine, *Common Sense*, 34.

How these revolutionaries from thirteen disparate Colonies, who had united to throw off oppression, engaged in the formation of government was a matter influenced by their understanding of past political thought, their own experience, and the ongoing production of literature, practices, and institutions. According to Hans-Georg Gadamer, “understanding is, essentially, a historically effected event,”⁷⁹⁵ in which “our historical consciousness is always filled with a variety of voices in which the echo of the past is heard.”⁷⁹⁶ When human beings seek understanding, they are enmeshed in the web of history. The process of coming to an understanding entails an act of interpretation, which Gadamer claims is grounded in the choice of highlighting. He argued that “all understanding is interpretation”⁷⁹⁷ and “all interpretation is highlighting.”⁷⁹⁸ As the framers of the Declaration of Independence, the Articles of Confederation, and eventually the Constitution of the United States were working out how to organize the government, their actions were firmly rooted in their understanding of the past and their experience of their present conditions.

Democracy: Fears of a Mobocracy

While Athens is admired as the historical fountainhead of democracy now, many of the leading figures at the time of American independence and nation formation viewed

⁷⁹⁵ Gadamer, *Truth and Method*, 299.

⁷⁹⁶ Gadamer, *Truth and Method*, 285.

⁷⁹⁷ Gadamer, *Truth and Method*, 390.

⁷⁹⁸ Gadamer, *Truth and Method*, 401.

Athens and its form of governance unfavorably.⁷⁹⁹ Functionally, democracy was found to be limited in that the expanse of the American boundaries and its population precluded its citizens from gathering together to deliberate and vote on collectively binding decisions.

Thomas Paine articulated this limitation well when he wrote:

Simple democracy was no other than the common hall of the ancients. ... As these democracies increased in population, and the territory extended, the simple democratical form became unwieldy and impracticable.⁸⁰⁰

While this limitation was significant, it was the founders and framers understanding of Athenian democracy that made it an untenable political solution.

Fears of a pliable, divisive citizenry, as well as the anti-democratic perspective preserved in original texts from ancient Athens, colored the American interpretation of Athenian democracy and popular governance in general. Drawing from an array of historical accounts concerning the republics of ancient Greece, Alexander Hamilton opined that his contemporaries should experience:

sensations of horror and disgust at the distractions with which they [the Greek Republics] were continually agitated, and at the rapid succession of revolutions, by which they were kept perpetually vibrating between the extremes of tyranny and anarchy.⁸⁰¹

⁷⁹⁹ Michael Hardt and Antonio Negri, *Multitude: War and Democracy in the Age of Empire* (New York: Penguin Press, 2004), 243-245; Carl J. Richards, *Greeks & Romans Bearing Gifts: How the Ancients Inspired the Founding Fathers* (Lanham, MD: Rowman and Littlefield Publishers, 2009), 79-83; and Gordon S. Wood, *The Idea of America: Reflections on the Birth of the United States* (New York: Penguin Press, 2011), 190.

⁸⁰⁰ Paine, *Rights of Man*, 302.

⁸⁰¹ Alexander Hamilton, "Federalist #9," in *The Federalist* (New York: Barnes and Noble Classics, 2006), 46.

More specific to the formation of the American government, during the Constitutional Convention, it was argued that “the evils we experience flow from the excess of democracy” and that the people “should have as little to do as may be about the Government” because “they want information and are constantly liable to be misled.”⁸⁰² Writing in defense of the proposed Constitution, its “master-builder,”⁸⁰³ James Madison reasoned that “had every Athenian citizen been a Socrates, every Athenian assembly would still have been a mob.”⁸⁰⁴ Madison viewed popular governments and democracies as suffering from “instability, injustice, and confusion”⁸⁰⁵ and as being “spectacles of turbulence and contention.”⁸⁰⁶ Democracy, in his estimation, was fundamentally “incompatible with personal security, or the rights of property”;⁸⁰⁷ core concerns for the framers of the Constitution.

How to negotiate between the right and the power of the people to self-rule and the limitations of and fears attributed to ancient democracy became the key question in the formation of the American national government. In answering this question, the

⁸⁰² Roger Sherman and Elbridge Gerry, “Debate on Representation,” in *The Anti-Federalist Papers and the Constitutional Convention Debates*, ed. Ketcham (New York: Signet Classic, 2003), 39.

⁸⁰³ Adrienne Koch, “Introduction,” to *Notes of Debates in the Federal Convention of 1787 Reported by James Madison* (New York: W. W. Norton and Company, 1987), xi.

⁸⁰⁴ James Madison, “Federalist #55,” in *The Federalist* (New York: Barnes and Noble Classics, 2006), 308-309.

⁸⁰⁵ James Madison, “Federalist #10,” in *The Federalist* (New York: Barnes and Noble Classics, 2006), 51-52.

⁸⁰⁶ Madison, Federalist #10, 56.

⁸⁰⁷ Madison, Federalist #10, 56.

framers arrived at different conclusions concerning the core ideas and beliefs about equality, power, and knowledge, which in turn resulted in profound distinctions between their American ideology of governance and the Athenian ideology of democracy. Standing upon very similar intellectual ground concerning foundational ideas about the nature of human beings, the American trajectory of thought highlighted certain human, societal, and political aspects that lead them ultimately to different conclusions than the Athenians.

Society: The Inclination of Humanity

Beginning with the nature of human beings from which society and politics emerge, the Athenians and Americans shared common ground. Much like the Athenians:

- John Adams believed that “there is, in the human Breast, a social Affection, which extends to our whole Species.”⁸⁰⁸
- Thomas Paine held that “there is no period when this love for society ceases to act. It begins and ends with our being.”⁸⁰⁹
- Thomas Jefferson, “consider[ed] man as formed for society, and endowed by nature with those dispositions which fit him for society.”⁸¹⁰

Across the span of time and space, culture and civilization, human beings had demonstrated to these thinkers a natural inclination to gather in community.⁸¹¹ “Man,”

⁸⁰⁸ Adams, *The Portable John Adams*, 149.

⁸⁰⁹ Paine, *Rights of Man*, 293.

⁸¹⁰ Jefferson, *Thomas Jefferson: Writings*, 1064.

claimed Jefferson, “was destined for society.”⁸¹² This *love for society* within the *Breast* of people was not left without the necessary resources to enact the people’s natural need.

Endowed with a nature to live with one another, humanity, it was argued, was also bequeathed with the *dispositions* and capacities to succeed in society. Adams claimed that nature: “has [also] furnished... [individuals] with passions, appetites, and propensities, as well as a variety of faculties, calculated both for their individual enjoyment, and to render them useful to each other in their social connections.”⁸¹³ Gifted with *a social affection* and *a variety of faculties*, in the anthrocentric phrasing of the time, “man has been created”⁸¹⁴ to live in and equipped to function within society. Society in its own right was not considered to be inert, but due to its very nature and structure made specific demands on its members, requiring certain capacities, orientations, behaviors, relationships, and goals.

A fundamental aspect of community, according to Thomas Paine, was that individuals, driven “by a diversity of wants”, find that they are in a state of “mutual dependence.”⁸¹⁵ It is this dependence, which spawns the essential nature of human society. In order to attain their various wants, whether abstract or concrete, individuals

⁸¹¹ Gordon S. Wood, *The Radicalism of the American Revolution* (New York: Vintage Books, 1992), 219; and Gordon S. Wood, *The American Revolution* (New York: Modern Library, 2002), 103-105.

⁸¹² Jefferson, *Thomas Jefferson: Writings*, 901.

⁸¹³ Adams, *The Portable John Adams*, 339.

⁸¹⁴ Jefferson, *Thomas Jefferson: Writings*, 1385.

⁸¹⁵ Paine, *Rights of Man*, 293.

eventually have to rely on an association of others, since “no one ... is capable, without the aid of society, of supplying his own wants.”⁸¹⁶ The realization that the “natural wants” of an individual are beyond one’s own “individual powers,”⁸¹⁷ led Paine to argue, that an individual is compelled to live in society in order to consolidate the necessary power for the satisfaction of his or her wants and reciprocally the wants of other societal members. Society oriented individuals to a relationship with others through mutual dependence, calling on societal members to work together to achieve individual and common goals.

Capacities: Reason to Limit Self-Rule

Due to human nature and the exigence of society, human beings lived with one another in order to satisfy their individual and collective wants. To obtain these wants, each societal member brought to bear his or her various individual powers or capacities. Capacities, the basis for power and influence in society, were believed to be unequal in their distribution.⁸¹⁸ Consequently, even though “all men are created equal”⁸¹⁹ and share in a fundamental equality of rights, life demonstrated that humanity was not functionally equal. John Adams provided a clear declaration of this point after visiting a hospital in France where he observed fifty newborns in a single ward. He noted that “these were all born to equal rights, but to very different fortunes; to very different success and influence

⁸¹⁶ Paine, *Rights of Man*, 293.

⁸¹⁷ Paine, *Rights of Man*, 293.

⁸¹⁸ Wood, *The Radicalism of the American Revolution*, 20.

⁸¹⁹ Wood, *The American Revolution*, 99-102.

in life.”⁸²⁰ As soon as the children departed the hospital the distinctions derived from the history of their families’ capacities, as well as their own, would significantly impact the chart of their own lives.

In a succinct summation Melancton Smith, a preeminent Anti-Federalist, claimed that “the author of nature has bestowed on some greater capacities than on others – birth, education, talents and wealth, create distinctions among men.”⁸²¹ The varying capacities and their differing strengths, when employed by men and women in society, resulted in “inequalities,” which were undeniably obvious throughout “the natural history of man.”⁸²² Adams was so insistent on this point that he argued that to teach the people otherwise, “to teach that all men are born with equal powers and faculties, to equal influence in society, to equal property and advantages through life is ... [a] gross ... fraud.”⁸²³ If the people believed that all were equal, in every regard, then Americans would likely make collectively binding decisions concerning the rule of society and formation of the government reflecting this unsubstantiated belief. Adams, Smith, and other leading men –for citizenship was limited to certain class and race of males– who contended with one another during the formation of the American government, held fast

⁸²⁰ Adams, *The Portable John Adams*, 411.

⁸²¹ Melancton Smith, “Speeches of Melancton Smith,” in *The Anti-Federalist Papers and the Constitutional Convention Debates*, ed. Ralph Ketcham (New York: Signet Classic, 2003), 343.

⁸²² Adams, *The Portable John Adams*, 411.

⁸²³ Adams, *The Portable John Adams*, 412.

to the idea that due to the nature of human beings, people were not functionally equal even though they were fundamentally equal.⁸²⁴

While the Athenians and Americans arrived at these foundational ideas about the nature of humanity and society from different sources (i.e. religious traditions), they shared in a consistency of thought. The importance of these foundational ideas and their implications is not found in the ideas themselves, but in the conclusions men like Adams, Madison, and others derived from them. It is here, that the trajectory of prominent American thinkers and political actors substantially diverged from that of the Athenians.

Power: Containing the Beast

At the most basic level, the Americans' notions about capacities affected their conceptions about the regulation of power. Capacities interacted with four essential characteristics of power, resulting in a deep concern about how a national government should be composed. To understand their concern, their conceptions of power need to be explicated further. According to historian Bernard Bailyn, for Adams and his contemporaries, power "meant the dominion of some men over others, the human control of human life."⁸²⁵ As society formed, members, contrary to authentic governance, "surrendered individual powers"⁸²⁶ to enable the government to act; to propose, enact, and enforce collectively binding agreements for all the members of society. While power

⁸²⁴ Note that Adams was not an active participant in the Constitutional Convention or the ratifying debate, but his ideas contributed to each.

⁸²⁵ Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge MA: Belknap Press of Harvard University Press, 1967), 55-56.

⁸²⁶ Bailyn, *The Ideological Origins of the American Revolution*, 58.

meant dominion, it was not conceived as being inherently negative. Power was neutral and a natural occurring phenomenon that emerged through the formation of society and which could be used for its good or its detriment.⁸²⁷

The characteristic of power that contributed to the perception that it was problematic, as Adams noted, was that “[power] naturally grows.”⁸²⁸ Power as dominion continually pushed its sphere beyond the boundaries set for it.⁸²⁹ Tightly connected to power’s inclination for expansion and the perception of its dangerous disposition was that its “natural prey” was “liberty, or law, or right.”⁸³⁰ Indicative of this perspective, Paine wrote that “freedom hath been hunted round the globe”⁸³¹ and in her correspondence with Thomas Jefferson, regarding the political situations in “France Holland and Germany” Abigail Adams asked, “Will Liberty finally gain the assendency, or arbitrary power strike her down.”⁸³² In essence it was accepted that, due to the natural dialectical relationship between power and liberty, where dominion increases the liberty of the people decreases. Of the four characteristics of power its “essential characteristic”⁸³³ was its “encroaching

⁸²⁷ Bailyn, *The Ideological Origins of the American Revolution*, 58-59.

⁸²⁸ Adams, *The Portable John Adams*, 400.

⁸²⁹ James Madison, “Federalist #48,” in *The Federalist* (New York: Barnes and Noble Classics, 2006), 275.

⁸³⁰ Bailyn, *The Ideological Origins of the American Revolution*, 57.

⁸³¹ Paine, *Common Sense*, 29.

⁸³² Lester J. Cappon, ed., *The Adams-Jefferson Letters: The Complete Correspondence Between Thomas Jefferson and Abigail and John Adams* (Chapel Hill: University of North Carolina Press, 1987), 198.

nature,”⁸³⁴ which was fueled by and fused with the capacities of individuals. Considered naturally occurring, morally neutral, fundamentally aggressive, and an enemy to liberty, it was “the nature of man – his susceptibility to corruption and his lust for self-aggrandizement”⁸³⁵ that transformed power into an evil.

It was the passions of individuals and their desire to increase their own sphere of dominion that corrupted the use of power. When Adams stated that “[power] naturally grows” he followed that claim with his explanation as to why: “Why? Because human passions are insatiable.”⁸³⁶ Or as George Washington stated, the “love of power and proneness to abuse it ... predominates ... the human heart.”⁸³⁷ No matter what the political system “absolute power intoxicates alike despots, monarchs, aristocrats, and democrats.”⁸³⁸ Teamed with superior capacities, an individual, driven by his or her own passions, could expand his or her dominion over others in ways that violated the liberty of the people. This linkage between capacities and domination was clearly articulated when Centinel wrote “that the love of domination is generally in proportion to talents,

⁸³³ Bailyn, *The Ideological Origins of the American Revolution*, 56.

⁸³⁴ Madison, *Federalist* #48, 275.

⁸³⁵ Bailyn, *The Ideological Origins of the American Revolution*, 59.

⁸³⁶ Adams, *The Portable John Adams*, 400.

⁸³⁷ George Washington, “Farewell Address,” in *A Compilation of the Messages and Papers of the Presidents*, vol. 1, ed. James Daniel Richardson (Washington, D.C.: Bureau of National Literature and Art, 1897), 211.

⁸³⁸ Adams, *The Portable John Adams*, 422.

abilities, and superior acquirements.”⁸³⁹ This love of domination, could lead the best of leaders into being “instruments of despotism.”⁸⁴⁰ Therefore, vigilant watch over those in power by those invested with power was a necessary function to preserve liberty.

This conclusion was a problematic for the political thinkers of the time since they also believed in the right of societal members to determine how they were to be governed. The people were held to be “the fountain of all power”⁸⁴¹ since it was in the people that “all power reside[d] originally.”⁸⁴² Therefore, the right of self-government was a “natural right,”⁸⁴³ a view clearly articulated by Thomas Jefferson when he wrote:

- Every man, and every body of men on earth, possess the right of self-government. They receive it with their being from the hand of nature.⁸⁴⁴
- From the nature of things, every society must at all times possess within itself the sovereign powers of legislation.⁸⁴⁵

⁸³⁹ Centinel [pseud.], “‘Centinel,’ Number 1,” in *The Anti-Federalist Papers and the Constitutional Convention Debates*, ed. Ralph Ketcham (New York: Signet Classic, 2003), 229.

⁸⁴⁰ Centinel [pseud.], “Centinel,” Number 1, 229.

⁸⁴¹ Brutus [pseud.], “Essays I, VI, X-XII, and XV,” in *The Anti-Federalist Papers and the Constitutional Convention Debates*, ed. Ralph Ketcham (New York: Signet Classic, 2003), 270.

⁸⁴² Adams, *The Portable John Adams*, 398.

⁸⁴³ Paine, *Common Sense*, 28.

⁸⁴⁴ Jefferson, *Thomas Jefferson on Democracy*, 15.

⁸⁴⁵ Jefferson, *Thomas Jefferson: Writings*, 118.

Historian Gordon S. Wood summarizes that “the sovereignty of the people ... did not just mean that all government was derived from the people,” but it also “meant that the final, supreme, and individual lawmaking authority of the society remained with the people themselves.”⁸⁴⁶ According to Jefferson, individuals who had, through “the exercise of ... faculties,” “procured a state of society,” also secured the “right to regulate and control” society “jointly ... with all those who have concurred in the procurement.”⁸⁴⁷ Due to the exigency of society and the common demands of it upon societal members, each individual contributing to society had a right to participate in the formation and regulation of the government.

Not only was the right of self-government a natural right bestowed at birth and through being a societal member, but it was also a reasonable response to functional inequality. Adams claimed that “all that men can do, is to modify, organize, and arrange the powers of human society ... in the best manner to protect, secure, and cherish the moral, which are all the natural rights of mankind.”⁸⁴⁸ Seemingly this conception of power and the right of self-government reflected that which was discussed in relation to Athenian democracy, but in actuality there lies within it a significant distinction.

In contrast to the Athenian ideology of democracy and in opposition to authentic governance that acknowledges, enables, and achieves a state of political agency for the people as *empowered*, the American ideology of governance extended the natural right of

⁸⁴⁶ Wood, *The Idea of America*, 184.

⁸⁴⁷ Jefferson, *Thomas Jefferson: Writings*, 1385.

⁸⁴⁸ Adams, *The Portable John Adams*, 418.

self-government not to self-rule, but to the power of constituting and dissolving the chosen means of governance. While it was claimed that America was "a country where all power is confessed to be derived from the People";⁸⁴⁹ the power of the people was limited to "a right of living under a government of their own choosing."⁸⁵⁰ In his *Farewell Address*, George Washington echoed the notion that the American government was established "by the free consent of the People" and "that the People c[ould] change [the government] at their pleasure"⁸⁵¹ when he stated: "The basis of our political systems is the right of the people to make and to alter their constitutions of government."⁸⁵² Consequently, Americans, as well as all of humanity—who are naturally driven to live together, compelled to social connection for the satisfaction of a variety of needs and wants—who are imbued with capacities inherent to the individual and/or inherited from others—capacities that are unequal in their distribution and which lead to distinctions among individuals and inequalities in society—had an equal right and the power to form a government in order to mitigate the influence of the inequalities found in society and dissolve a government that failed to do so.

Founded in the tension between power, passions, rights, and capacities the American's aversion to democracy as enacted by the Athenians comes to light. American

⁸⁴⁹ Plain Truth [pseud.], "On Democracy," *The Independent Chronicle*, July 21, 1803.

⁸⁵⁰ John DeWitt, "'John DeWitt,' Essay III," in *The Anti-Federalist Papers and the Constitutional Convention Debates*, ed. Ralph Ketcham (New York: Signet Classic, 2003), 312.

⁸⁵¹ Truth [pseudo.], On Democracy, July 18.

⁸⁵² Washington, "Farewell Address," 209.

thinkers conceived of democracy as a government in which the “citizens, who assemble and administer the government in person,”⁸⁵³ ruled over the political affairs of society. “Sovereignty” was held by the people⁸⁵⁴ and it was “not delegated to any person or persons, as supreme rulers.”⁸⁵⁵ Such a system, because of the influence of capacities and the nature of power, according to the founders and framers, would result in the rule of the few over the many.

Due to the unequal distribution of capacities or talents, a few talented individuals would have the means to rise to political prominence and power. “Talents,” Adams wrote, “...in fact commands or influences true Votes in Society.”⁸⁵⁶ Upon the strength of superior capacities, “Birth Fortune, Figure, Eloquence, Science, learning, Craft Cunning, or even ... Character for good fellowship”⁸⁵⁷ an individual or a select number would elevate, through a succession of votes, to dominate a governing assembly. Presiding over the assembly, the one or few would then dictate the collectively binding decisions of the assembly thus effectively ruling over the entirety of society. Power in this scenario would then rest not with the people or the assembly, but with the one or the few who directed the affairs of both.

⁸⁵³ Madison, *Federalist* #10, 55.

⁸⁵⁴ Adams, *The Portable John Adams*, 407.

⁸⁵⁵ Truth [pseud.], *On Democracy*, July 18.

⁸⁵⁶ Adams, *The Portable John Adams*, 501.

⁸⁵⁷ Adams, *The Portable John Adams*, 502.

James Madison expressed similar concerns when he argued that the ability to arrive at reasoned judgments by the public or its representatives was thwarted through two causes: the power of passions and the influence of superior capacities. First, he claimed that in making political decisions “the *passions* ... not the *reason*, of the public, would sit in judgment”⁸⁵⁸ and that “in all very numerous assemblies, of whatever characters composed, passion never fail[ed] to wrest the scepter from reason.”⁸⁵⁹ Those with superior capacities could move the passions of the decision-making audience, whether the public or representatives, and therefore their capacities elevated them to the position of de facto rulers. Even in “legislative assemblies,” Madison argued, “a single orator” could come to rule “as if a scepter had been placed in his single hands.”⁸⁶⁰ Reflective of his thinking about capacities, he also dismissed the democratic oriented proposal of multiplying the number of representatives beyond what was necessary for “*the purposes of safety, of local information, and of diffusive sympathy with the whole society.*”⁸⁶¹ Instead of making the government more democratic, enacting such a measure, he argued, would actually cause “the soul that animates it” to “be more oligarchic.”⁸⁶²

⁸⁵⁸ Madison, Federalist #49, 283.

⁸⁵⁹ Madison, Federalist #55, 309.

⁸⁶⁰ James Madison, “Federalist #58,” in *The Federalist* (New York: Barnes and Noble Classics, 2006), 325-326.

⁸⁶¹ Madison, Federalist #58, 326.

⁸⁶² Madison, Federalist #58, 326; and Rakove, *Original Meanings*, 240

Adams and Madison were not alone in their concern that capacities, passions, and power would dictate the judgment of the people. In asking “Why has government been instituted at all?” Alexander Hamilton proclaimed a similar refrain, “because the passions of men will not conform to the dictates of reason and justice, without constraint.”⁸⁶³ Even more telling, is that noted anti-Federalists also held similar views. For instance, Melancton Smith argued, “I know that the impulses of the multitude are inconsistent with systematic government. The people are frequently incompetent to deliberate discussion, and subject to errors and imprudencies.”⁸⁶⁴ The influential voices in the debate about the constitution of a national, American government then, held that the people, or their representatives, could not be trusted to follow reason when called upon to make sensible collectively binding decisions since their passions could be elicited or swayed by individuals with superior capacities.

Due to these considerations about the regulation of power and who it was to be entrusted too, power for the constitutional framers was the focal point through which the other ideological links of knowledge, liberty, equality, and property revolved. To resolve their fears about power—especially “unconstrained centralized power”⁸⁶⁵—whether consolidated in the hands of one or the few or even the many, Adams and Madison, proposed that the governing body should be divided in order to produce a system of

⁸⁶³ Alexander Hamilton, “Federalist #15,” in *The Federalist* (New York: Barnes and Noble Classics, 2006), 84.

⁸⁶⁴ Smith, Speeches of Melancton Smith, 352.

⁸⁶⁵ Bernard Bailyn, *To Begin the World Anew: The Genius and Ambiguities of the American Founders* (New York: Alfred A. Knopf, 2003), 108.

checks and balances. Both held that when “the power surrendered by the people was accumulated”⁸⁶⁶ into “the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective” that system of governance “may justly be pronounced the very definition of tyranny.”⁸⁶⁷ To ensure that tyranny was avoided the consolidation of the powers of the government – “legislative, executive, and judiciary”⁸⁶⁸ – had to be “guarded against, by a division of the government into distinct and separate departments”⁸⁶⁹ or branches that were for the most part equally balanced in power. These divisions would create “rivalries”⁸⁷⁰ between the branches that would check the use of power by each. Adams argued:

That an equilibrium of those ‘different powers’ was indispensably necessary to guard and defend the rights, liberties, and happiness of the people against the deleterious, contagious, and pestilential effects of those passions of vanity, pride, ambition, envy, rage, lust, and cruelty.⁸⁷¹

By structuring the government so that its powers were shared by three branches, the liberty of the people would be protected⁸⁷² from the effects of the *lust for self-aggrandizement*, passions, and the superior capacities of the few.

⁸⁶⁶ James Madison, “Federalist #51,” in *The Federalist* (New York: Barnes and Noble Classics, 2006), 290.

⁸⁶⁷ James Madison, “Federalist #47,” in *The Federalist* (New York: Barnes and Noble Classics, 2006), 268.

⁸⁶⁸ Madison, Federalist #47, 268.

⁸⁶⁹ Madison, Federalist #51, 290.

⁸⁷⁰ Adams, *The Portable John Adams*, 387.

⁸⁷¹ Adams, *The Portable John Adams*, 432.

⁸⁷² Madison, Federalist #51, 287.

As seen in relation to power, the foundational ideas about capacities had profound implications on the emerging ideology of American governance. The core ideas of that ideology –power, knowledge, liberty, equality, and property– began with conclusions about the influence of capacities. At the fundamental level each societal member had a natural right to form, regulate, and conclude a government. Therefore, collectively the ultimate end of political power was deemed to reside in the people. At the functional level, power was not something held equally by all, but was derived from the embodied enactment of those capacities valued by societal members. In order to address the power and influence arising from superior capacities bestowed upon and developed in some to the exclusion of others, the first solution was for the people to relinquish a portion of their natural rights in order to empower a select few to rule over them. John DeWitt claimed that in composing society, individuals had to “surrender such a part of their natural rights, as shall be necessary for the existence of that society.”⁸⁷³ Likewise, Melancton Smith argued “what is government itself, but a restraint upon the natural rights of the people? What constitution was ever devised, that did not operate as a restraint on their original liberties.”⁸⁷⁴ Rather than empowering themselves to rule as authentic governance requires, Americans, drawing upon political traditions founded in English

⁸⁷³ John DeWitt, “‘John DeWitt,’ Essays I and II,” in *The Anti-Federalist Papers and the Constitutional Convention Debates*, ed. Ralph Ketcham (New York: Signet Classic, 2003), 194.

⁸⁷⁴ Smith, *Speeches of Melancton Smith*, 351

roots, elected individuals “that they themselves ... deputed”⁸⁷⁵ to be “trustees”⁸⁷⁶ or representatives.

Instead of proposing and composing an artificial field of equality for all Americans, a more exclusive political domain emerged that limited rule to representatives: Representatives who provided a “protective barrier against democracy”⁸⁷⁷ and its dangerous tendencies. As Michael Hardt and Antonio Negri point out, “the essence of representation [is that] it connects the citizens to government and at the same time separates them from it.”⁸⁷⁸ They go on to argue that “when ... power is transferred to a group of rulers, then we all [–the people–] no longer rule.”⁸⁷⁹ This is in sharp contrast to the Athenian perspective of enacting power equally within a constructed functional political space. In Athens, the people had the right to participate, to enact their power upon the collectively binding decision-making process, and therefore they equalized the opportunity to self-rule. In the America system of governance, self-rule was denied to the people as their power was to be entrusted to the best individuals of society who would rule as the people’s representatives.

The principle justification for a representational form of governance addressed the functional weaknesses of democracy. “The direct action of the citizens” that a democracy

⁸⁷⁵ Adams, *The Portable John Adams*, 219.

⁸⁷⁶ DeWitt, “John DeWitt,” Essay III, 312; and James Madison, “Federalist #46,” in *The Federalist* (New York: Barnes and Noble Classics, 2006), 261.

⁸⁷⁷ Hardt and Negri, *Multitude*, 244.

⁸⁷⁸ Hardt and Negri, *Multitude*, 244.

⁸⁷⁹ Hardt and Negri, *Multitude*, 244.

calls for, Jefferson said, reduces it “to very narrow limits of space and population.”⁸⁸⁰

Governing through representatives resolved these issues by extending the effective reach of the government over a “greater number of citizens, and greater sphere of country.”⁸⁸¹

While these structural limits were of great practical concern they also obscure another justification for representatives that revealed a radical shift from the Athenian conception of knowledge.

Knowledge: Dividing Rulers from the Ruled

Certainly like the Athenians, the American framers recognized that individual knowledge was fallible. During the Constitutional Convention, Benjamin Franklin, acknowledged that throughout his life he had the occasion of “being obliged by better information, or fuller consideration, to change opinions even on important subjects, which [he] once thought right, but found to be otherwise.”⁸⁸² In defending the proposed Constitution, Madison conceded that because the document was created by, “a body of men” that the framers “were liable” to have made “errors” due to their “fallibility.”⁸⁸³ The point of difference between the Athenian and American perspectives about knowledge emerges from how each addressed the functional inequality of human capacities. According to the American perspective some were bestowed with or had the

⁸⁸⁰ Jefferson, *Thomas Jefferson: Writings*, 1392.

⁸⁸¹ Madison, *Federalist* #10, 56.

⁸⁸² Benjamin Franklin, “Signing the Constitution,” in *The Anti-Federalist Papers and the Constitutional Convention Debates*, ed. Ketcham (New York: Signet Classic, 2003), 176.

⁸⁸³ James Madison, “Federalist #37,” in *The Federalist* (New York: Barnes and Noble Classics, 2006), 195.

means to accumulate and develop knowledge and therefore were better suited to be “rulers”⁸⁸⁴ rather than others.

In the view of the framers and other political actors of consequence, the people did not possess the necessary knowledge or intellect to arrive at effective and just collectively binding decisions. This view was expressed during the Constitutional Convention of 1787 when Roger Sherman claimed that the people “want information and are constantly liable to be misled.”⁸⁸⁵ Even Thomas Jefferson felt that they were “unqualified for the management of affairs requiring intelligence above the common level.”⁸⁸⁶ Federal representatives needed capacities that allowed them to procure, store, retrieve, and employ a vast quantity of information.

This requisite knowledge and intelligence was a condition implied by the idea of a good government: “first, fidelity to the object of government, which is the happiness of the people; secondly, a knowledge of the means by which that object can be best attained.”⁸⁸⁷ The knowledge Madison addressed, related to three disparate branches of knowledge. The first type included “the laws of all the states” and “local knowledge ...

⁸⁸⁴ James Madison, “Federalist #57,” in *The Federalist* (New York: Barnes and Noble Classics, 2006), 316.

⁸⁸⁵ Roger Sherman, “Debate on Representation,” in *The Anti-Federalist Papers and the Constitutional Convention Debates*, ed. Ketcham (New York: Signet Classic, 2003), 39.

⁸⁸⁶ Jefferson, *Thomas Jefferson: Writings*, 1385.

⁸⁸⁷ James Madison, “Federalist #62,” in *The Federalist* (New York: Barnes and Noble Classics, 2006), 345.

[about] commerce, taxation, and the militia.”⁸⁸⁸ This knowledge was necessary since representatives were to compose an assembly that would “be in miniature an exact portrait of the people at large ... think[ing], fee[ing]l, reason[ing], and act[ing] like them.”⁸⁸⁹ This was the “ONE MAXIM” claims historian Jack Rakove that “reflected Americans’ ideas of representation.”⁸⁹⁰ Melancton Smith stated that representatives should “resemble those they represent; they should be a true picture of the people; possess the knowledge of their circumstances and their wants; sympathize in all their distresses, and be disposed to seek their true interests.”⁸⁹¹ To represent the people, knowledge of people’s lives, resources, opportunities, and challenges was necessary so that the representatives could best articulate the sentiments of the people in the collectively binding decision-making process.

Decisions about domestic policies though, had to also integrate national concerns with international realities. This involved the second “branch of knowledge,” that included expertise in “foreign affairs ... treaties” and “the law of nations.”⁸⁹² The Federal government –members of Congress– would now have to provide legislation that maximized the economic potential of American resources by considering “the wider

⁸⁸⁸ James Madison, “Federalist #56,” in *The Federalist* (New York: Barnes and Noble Classics, 2006), 313.

⁸⁸⁹ Adams, *The Portable John Adams*, 235.

⁸⁹⁰ Jack N. Rakove, *Original Meanings: Politics and ideas in the making of the Constitution* (New York: Vintage Books, 1997), 203.

⁸⁹¹ Smith, Speeches of Melancton Smith, 343.

⁸⁹² James Madison, “Federalist #53,” in *The Federalist* (New York: Barnes and Noble Classics, 2006), 300-301.

world in which the commercial and strategic interests of the United States would be immersed.”⁸⁹³ A representative then also needed to be “a *legislator*”⁸⁹⁴ and as such, s/he would need to navigate the “science of government,” which was considered by Centinel to be “abstruse.”⁸⁹⁵ This third and final type of knowledge, “acquaintance with the objects and principles of legislation”⁸⁹⁶ could “be acquired to best effect, by practical attention to the subject, during the period of actual service in the legislature.”⁸⁹⁷ Members of Congress in both, the House and Senate, had to serve as representatives of the people and legislators in their respective assemblies. To fulfill these roles they had to possess superior capacities related to their intelligence and knowledge.

For Madison, members of Congress would need to “refine and enlarge the public view” since through their “wisdom [they would] best discern the true interest of their country.”⁸⁹⁸ He did not hold the view that representatives needed to have the same level of intimate knowledge of the people as some of his contemporaries. In fact, in defending the representative form laid out in the proposed Constitution he stated that “ignorance of a variety of minute and particular objects, which do not lie within the compass of legislation, is consistent with every attribute necessary to a due performance of the

⁸⁹³ Rakove, *Original Meanings*, 220.

⁸⁹⁴ Rakove, *Original Meanings*, 218.

⁸⁹⁵ Centinel [pseud.], “Centinel,” Number 1, 229.

⁸⁹⁶ Madison, Federalist #62, 344.

⁸⁹⁷ Madison, Federalist #53, 301.

⁸⁹⁸ Madison, Federalist #10, 56.

legislative trust.”⁸⁹⁹ The relevant knowledge “essential to liberty,” in the view of Madison, was an affinity with the common interests of the people and an intimate connection to their sympathies.⁹⁰⁰ Consequently, the requisite knowledge, actually could “easily be conveyed by a very few hands”⁹⁰¹ as long as it was conveyed by “men who possess[ed] most wisdom to discern, and most virtue to pursue, the common good of the society.”⁹⁰² John Adams expressed this sentiment when he argued that “the first necessary step” in forming a good government “is to depute power from the many to a few of the most wise and good.”⁹⁰³ John Jay argued that the people should assent to the wisdom of having the best of society rule over them since the Congress of 1774 was composed of just such “men who pursued the true interests of their country ... public liberty and prosperity.”⁹⁰⁴ Future members of Congress would rise to positions of power through the merit of their superior capacities; being “distinguished ... by those qualities”⁹⁰⁵ they would occupy positions “where they [would] exert all their faculties, and enjoy all the honors, offices, and commands, both in peace and war, of which they

⁸⁹⁹ Madison, *Federalist* #56, 312.

⁹⁰⁰ Madison, *Federalist* #49, 293.

⁹⁰¹ Madison, *Federalist* #56, 314.

⁹⁰² Madison, *Federalist* #57, 316.

⁹⁰³ Adams, *The Portable John Adams*, 235.

⁹⁰⁴ John Jay, “Federalist #3,” in *The Federalist* (New York: Barnes and Noble Classics, 2006), 16.

⁹⁰⁵ Madison, *Federalist* #57, 317.

are capable.”⁹⁰⁶ These most wise and good representatives would rule for the people as delegates, who were entrusted with the power of people to rule over them, in order to secure the people’s rights to liberty, property, and equality.

Liberty: A Right Undefined, Yet Known When Violated

The belief that “Liberty” was considered to be “the greatest of all earthly blessings”⁹⁰⁷ resonates with a common, contemporary understanding of the Revolutionary and early Constitutional period. Patrick Henry’s proclamation of “Give me Liberty or Give me Death!” still is firmly ensconced in the public’s consciousness. In 1766, John Adams, writing under the pseudonym of the Earl of Clarendon, argued that “the end of all government” is “the public good and “that Liberty is essential to the public good.”⁹⁰⁸ While the fact that liberty was a core concern of the founders and framers is clear, what they meant by it is not. Rakove states that “no word was more multivalent than liberty.”⁹⁰⁹ Cooke supports this contention claiming that “understanding” liberty “is extraordinary difficult.”⁹¹⁰ To explicate what was meant by liberty, the influence of the

⁹⁰⁶ Adams, *The Portable John Adams*, 331.

⁹⁰⁷ Patrick Henry, “Speeches of Patrick Henry,” in *The Anti-Federalist Papers and the Constitutional Convention Debates*, ed. Ralph Ketcham (New York, Signet Classic, 2003), 200.

⁹⁰⁸ Earl of Clarendon [pseud.], “The Earl of Clarendon to Wm. Pym,” *Supplement to the Boston Gazette*, 27 January, 1766.

⁹⁰⁹ Rakove, *Original Meanings*, 290.

⁹¹⁰ J. W. Cooke, “Jefferson on Liberty,” *Journal of the History of Ideas* 34, no. 4 (October 1973), 563.

British political perspectives, which reverberated through the Colonial world at the time, provides a point from which to begin.

Liberty was an idea that identified the English as freemen, no matter their “social rank” or their “political persuasion.”⁹¹¹ It was a right and practice that they “celebrate[d]”⁹¹² enthusiastically. For the English and their American brethren the right to and practice of liberty was rooted in the political philosophy of John Locke.⁹¹³ As the colonists moved toward revolution their ideas about liberty reflected the arguments Locke developed nearly a century before 1776. Locke argued that “a *state of liberty*” did not allow for “a *state of license*” since the “law of nature” –or reason– governed how one was to “dispose of his person or possessions.”⁹¹⁴ Reason dictated that even though humanity was “equal and independent, no one ought to harm another in his life, health, liberty, or possessions” because as each person was “the workmanship of one omnipotent, and infinitely wise maker” there could not “be any ... *subordination*.”⁹¹⁵ When found “*in society*,” liberty was bound by those laws the government “enacted according to the trust put in it ... common to every one in that society.”⁹¹⁶ The crux of liberty for Locke was twofold: First, it meant freedom from “the inconstant, uncertain,

⁹¹¹ Wood, *The Radicalism of the American Revolution*, 13.

⁹¹² Wood, *The Radicalism of the American Revolution*, 13.

⁹¹³ Robert Middlekauff, *The Glorious Cause: The American Revolution 1763-1789* (New York: Oxford University Press, 2005), 122-136.

⁹¹⁴ Locke, *Second Treatise of Government*, 4.

⁹¹⁵ Locke, *Second Treatise of Government*, 4.

⁹¹⁶ Locke, *Second Treatise of Government*, 15.

unknown, arbitrary will of another man” and second, liberty enabled one to “follow [his or her] own will in all things”⁹¹⁷ where the law, empowered by the consent of society, was silent.

These dual characteristics found their way into the American discourse about liberty. In 1747, liberty was defined in a *New York Evening Post* article as “a natural Power of doing, or not doing, whatever we have a Mind, so far as is consistent with the Rules of Virtue and the established Laws of the Society to which we belong.”⁹¹⁸ Nearly a half century after setting down the enduring words, “life, liberty, and the pursuit of happiness” Jefferson claimed that “rightful liberty is unobstructed action according to our will within limits drawn around us by the equal rights of others.”⁹¹⁹ While the bare essence of liberty was described in these definitions, the nature of liberty was considered to constitute certain possibilities of thought and behavior. Adams argued that “it is a self-determining power in an intellectual agent” since the employment of it “imply[ed] thought and choice and power ... [to] elect between objects.”⁹²⁰ Liberty resulted in a “state of mind” that “enabled citizens to exercise other rights free from the fear of tyrannical rule.”⁹²¹ It also was suggestive of obligations and duties on the part of the people.

⁹¹⁷ Locke, *Second Treatise of Government*, 15.

⁹¹⁸ *New York Evening Post*, 16 November, 1747.

⁹¹⁹ Cooke, *Jefferson on Liberty*, 575.

⁹²⁰ Adams, *The Portable John Adams*, 407.

⁹²¹ Rakove, *Original Meanings*, 290.

Essential for the protection of the people's liberty, claimed George Washington, was their ability "to discriminate the spirit of liberty from that of licentiousness – cherishing the first, avoiding the last."⁹²² For Washington, liberty obliged the people to honor the authority of the government, comply "with its laws" and acquiesce to "its measures."⁹²³ In considering rights, Thomas Paine, argued that "when we speak of right we ought always to unite with it the idea of duties: rights become duties by reciprocity."⁹²⁴ In society, liberty existed under the limitation of the social compact, being constrained by the laws to which societal members consented. If liberty slipped the bonds of the law through a free individual's imposition of his or her will upon another or another's property, then that individual would be engaged in an act of power.

The law hemmed in acts of power by placing boundaries within which it could properly function. The space within the strictures of the law was the domain where power had dominion over the people. Outside that space individuals were at liberty to pursue their pleasure. This articulation of liberty is incomplete, just as John Quincy Adams' declaration that "liberty and law have marched hand in hand"⁹²⁵ falls short of an adequate

⁹²² George Washington, "First Annual Address," in *A Compilation of the Messages and Papers of the Presidents*, vol. 1, ed. James Daniel Richardson (Washington, D.C.: Bureau of National Literature and Art, 1897), 58.

⁹²³ Washington, "Farewell Address," 209.

⁹²⁴ Thomas Paine, "Dissertation on First Principles of Government," in *Selected Writings of Thomas Paine*, ed. Richard Emery Roberts (New York: Everybody's Vacation Publishing, 1945), 248.

⁹²⁵ See John Quincy Adams, "Inaugural Address," in *The American Presidency Project*, eds. John T. Woolley and Gerhard Peters, <http://www.presidency.ucsb.edu/ws/?pid=25809> (accessed on 20 July, 2013).

understanding of the relationship between the liberty, law, and power. The law could be a means of “arbitrary power” in which the “will and pleasure”⁹²⁶ of the one or the few was enforced or the law could be the expression of a free people and free government. Brutus argued that “in every free government, the people must give their assent to the laws by which they are governed.”⁹²⁷ In a similar fashion, Thomas Paine equated “independency” with the ability to “make our own laws.”⁹²⁸ Liberty and laws walked *hand in hand* when the laws were made by or consented to by the people. Found in the space outside of the law were the people’s rights; rights that indicated –marked off– the extent of the government’s reach or power.

The American colonists spoke “THE LANGUAGE OF RIGHTS ... naturally ... [as] it was ... their native tongue.”⁹²⁹ Liberty, according to Rakove, “was one of the great triad of inalienable natural rights.”⁹³⁰ Life and liberty were joined together by God at birth⁹³¹ and therefore liberty was considered to be a natural right “derived from our Maker.”⁹³² Due to its nature, liberty is not contingent upon historical-cultural-social factors, but is an unassailable entitlement. It is how this right to liberty is interpreted into

⁹²⁶ John Phillip Reid, *The Concept of Liberty in the Age of the American Revolution* (Chicago University of Chicago Press, 1988), 120.

⁹²⁷ Brutus [pseud.], Essays I, VI, X-XII, and XV, 276.

⁹²⁸ Paine, *Common Sense*, 25.

⁹²⁹ Rakove, *Original Meanings*, 290.

⁹³⁰ Rakove, *Original Meanings*, 290.

⁹³¹ Jefferson, *Thomas Jefferson: Writings*, 122.

⁹³² Adams, *The Portable John Adams*, 218.

the specific “alienable”⁹³³ or legal rights of a society and its government at a particular historical moment that is violable. As a means to protect the people from those whom were entrusted with power, liberty and the legal rights made to secure it were “only for the governed” since rulers “did not speak for it [or] ... naturally serve it.”⁹³⁴ These legal rights, as human constructions, placed a tremendous obligation on the framers of the Constitution, as it was their “duty ... to frame a government friendly to liberty and the rights of mankind, which [would] tend to cherish and cultivate a love of liberty among ... [the] citizens.”⁹³⁵ In the process of constructing the Constitution and its ratification, the legal rights necessary to preserve the people’s right to liberty were debated and defended.

In writing his contribution to *The Federalist Papers*, Alexander Hamilton, defended the lack of a bill of rights in the Constitution. In part, he argued that the protection of liberty was secured by the Constitution through “the establishment of the writ of *habeas corpus*, the prohibition of *ex post facto* laws, and the TITLE OF NOBILITY.”⁹³⁶ For many though, Hamilton’s defense was inadequate and calls were made for the inclusion of specific rights. Centinel decried the omission of a “right to freedom of speech, and of publishing your sentiments” in addition to protection against the imposition of “general warrants.”⁹³⁷ The neglect of the right to “the FREEDOM OF

⁹³³ Rakove, *Original Meanings*, 291.

⁹³⁴ Bailyn, *The Ideological Origins of the American Revolution*, 59.

⁹³⁵ Smith, Speeches of Melancton Smith, 347.

⁹³⁶ Alexander Hamilton “Federalist #84,” in *The Federalist* (New York: Barnes and Noble Classics, 2006), 472.

THE PRESS” was particularly disturbing to John DeWitt, as experience had “esteemed [it as] one of [civil liberty’s] safe guards.”⁹³⁸ In responding to James Madison’s inquiry about the proposed Constitution, Thomas Jefferson, expressed from his post as Minister to France, deep reservations. That the proposed article of government for the United States did not include a bill of rights that provided for “freedom of religion, freedom of the press, protection against standing armies, restriction against [commercial] monopolies, ...habeas corpus”⁹³⁹ and “trial by juries in all cases”⁹⁴⁰ was unconscionable. While all of these various rights and protections were deemed to be significant, it was representation and trial by jury that were given “preeminent importance” for “shelter[ing] nearly all the other rights and liberties of the people.”⁹⁴¹ Under these rights, liberty, it was argued, would be secured.

John Adams claimed that “in these two powers consist wholly, the liberty and security of the people.”⁹⁴² Through jury trials the people were sheltered from the abuse of power by the judiciary through denying judges and other influential public and private individuals the ability to incarcerate indiscriminately people who they had deemed as problematic. As for representation, it shielded the liberties of the people in two ways. The

⁹³⁷ Centinel [pseud.], “Centinel,” Number 1, 228.

⁹³⁸ DeWitt, “John DeWitt,” Essay III, 311.

⁹³⁹ Jefferson, *Thomas Jefferson: Writings*, 916.

⁹⁴⁰ Jefferson, *Thomas Jefferson: Writings*, 919.

⁹⁴¹ Rakove, *Original Meanings*, 293.

⁹⁴² Clarendon [pseud.], The Earl of Clarendon to Wm. Pym.

first was expressed well at the Constitutional Convention when Oliver Ellsworth stated that “taxation and representation ought to go together.”⁹⁴³ Since the government would be able “to lay and collect taxes”⁹⁴⁴ the property and possessions of the people could be confiscated and their wealth distributed to benefit those favored by the nation’s rulers through an oppressive system of taxation.

In order to hold such an abuse in check members of the House of Representatives, according to Madison, “should be kept in dependence on the people, by a short duration of their appointments.”⁹⁴⁵ In such a system, the rulers would avoid passing laws that they too would not want to live under; for as Madison astutely argued, “they can make no law which will not have its full operation on themselves and their friends, as well as the great mass of the society.”⁹⁴⁶ By returning rulers to the rank of the ruled the Constitution provided security against repressive, collectively binding decisions. Consequently, through the dual protection from unjust trials and non-binding decisions for the rulers, and the collective passage of the ten amendments or bill of rights, the liberty of the people was deemed to be made safe.

As the ideation of liberty took hold in the American consciousness, it became tangible as laws, rights, and duties. This convergence of abstract philosophy with

⁹⁴³ Oliver Ellsworth, “Qualifications for Suffrage,” in *The Anti-Federalist Papers and the Constitutional Convention Debates*, ed. Ralph Ketcham (New York, Signet Classic, 2003), 146.

⁹⁴⁴ U.S. Constitution art. 1, sec. 8, cl. 1.

⁹⁴⁵ Madison, Federalist #37, 196.

⁹⁴⁶ Madison, Federalist #57, 318.

concrete practices around one of the core constructs of the American ideology of governance found its fullest manifestation in its connection to property. Legal historian, John Phillip Reid, argues “that liberty in the eighteenth century was personal property.”⁹⁴⁷ Liberty as a possession was “bequeathed ... as an inheritance,” “obtained ... by prescription,” “fought for,” or “earned.”⁹⁴⁸ It was, according to Rakove, considered to be their “birthright.”⁹⁴⁹ Summarizing this perspective well, in 1802 it was argued in the Fredricktown’s newspaper, *The Hornet* that “every child can’t inherit a fortune, but every child ought to inherit liberty.”⁹⁵⁰ To hold liberty as a tangible object, not just a political ideal, meant that while it was a possession held by all, it was wielded only by those who could protect it. “Freedom” according to Nash, was “defined as being secure in one’s property.”⁹⁵¹ The reason that “property must be secured or liberty cannot exist,”⁹⁵² was due to the belief that property was the medium through which liberty was realized.

The relationship between property and liberty developed along two key paths. First, property allowed for people to live free of dependency on others. Adams argued

⁹⁴⁷ Reid, *The Concept of Liberty in the Age of the American Revolution*, 119.

⁹⁴⁸ Reid, *The Concept of Liberty in the Age of the American Revolution*, 24.

⁹⁴⁹ Rakove, *Original Meanings*, 290.

⁹⁵⁰ Every Freeman Ought to Vote, *The Hornet* [Fredricktown, MD], 27 July, 1802; and Chilton Williamson, *American Suffrage: From Property to Democracy 1760-1860* (Princeton: Princeton University Press, 1960), 146-147.

⁹⁵¹ Gary B. Nash, *The Urban Crucible: Social Change, Political Consciousness, and the Origins of the American Revolution* (Cambridge, MA: Harvard University Press, 1981), 349.

⁹⁵² Adams, *The Portable John Adams*, 386-387.

that property was only “secure,” when an individual was “at liberty to acquire, use, or part with it, at his discretion.”⁹⁵³ Jefferson held a similar view, which Cooke summarized as “a man’s liberty was his property, and his property ... guaranteed a minimum of liberty.”⁹⁵⁴ Through the ability to pursue economic endeavors, from working land owned to “any other industry,” an individual was provided with “such compensation as not only to afford a comfortable subsistence, but ... [also] for a cessation from labor in old age.”⁹⁵⁵ It was through property and liberty, Jefferson claimed, that every individual had the means “to reserve to themselves ... a degree of freedom.”⁹⁵⁶ The freedom to use one’s own property to establish one’s economic independency then, was a precursor to the political freedom of the individual.

Without economic freedom the votes of dependent individuals could be bought or manipulated by those who sustained their lives.⁹⁵⁷ In the debate over suffrage at the Constitutional Convention, Gouverneur Morris articulated this position when he stated, “Give the votes to people who have no property, and they will sell them to the rich who will be able to buy them.”⁹⁵⁸ Economic dependency would lead to political dependency⁹⁵⁹

⁹⁵³ Adams, *The Portable John Adams*, 327.

⁹⁵⁴ Cooke, *Jefferson on Liberty*, 563

⁹⁵⁵ Jefferson, *Thomas Jefferson: Writings*, 1309.

⁹⁵⁶ Jefferson, *Thomas Jefferson: Writings*, 1309.

⁹⁵⁷ Robert J. Steinfeld, “Property and Suffrage in the Early American Republic,” *Stanford Law Review* 41, no. 2 (January 1989): 341.

and ultimately result in the enlargement of the sphere of dominion of those with superior capacities and subsequently negate the liberty of those with lesser capacities. In these ways, during the “decades after the Revolution ... property ownership was” considered to be a “necessary” condition “for personal independence.”⁹⁶⁰ By being able to provide for one’s self, an individual was able to enact the natural liberty possessed by all and sustain one’s self in his or her economic and political liberty.⁹⁶¹

Property: Securing the Rights of the People

The significance of property was not limited to its relationship to liberty. Property, along with life and liberty, distinguished “the fundamental trinity of inalienable rights.”⁹⁶² Stating “that Property is the principal Cause & Object of Society”⁹⁶³ Gouverneur Morris argued that of the three it is the most dependent on society. Over the decades leading up to the Revolution, property and the laws that regulated property use had become a means for the English to impose arbitrary rule over the colonies; thereby directly interfering in American society. To set the stage for understanding the role of

⁹⁵⁸ Gouverneur Morris, “Qualifications for Suffrage,” in *The Anti-Federalist Papers and the Constitutional Convention Debates*, ed. Ralph Ketcham (New York: Signet Classic, 2003), 146.

⁹⁵⁹ Nash, *The Urban Crucible*, 348.

⁹⁶⁰ Steinfeld, Property and Suffrage in the Early American Republic, 342.

⁹⁶¹ Cooke, Jefferson on Liberty, 563.

⁹⁶² Rakove, *Original Meanings*, 290.

⁹⁶³ Gouverneur Morris, “Political Enquiries,” in vol. 1 of *The Founders' Constitution*, edited by Philip B. Kurland and Ralph Lerner (Chicago: University of Chicago Press, 1987), under “Property,” <http://press-pubs.uchicago.edu/founders/documents/v1ch16s8.html> (accessed 20 July, 2013).

property in the American ideology of governance, a discussion of the demographic and economic exigencies of the eighteenth and early nineteenth centuries is needed.

There were three forces that shaped the colonists' perspectives and experiences of property, prosperity, and power. First, "the colonial population" was "doubling every twenty years."⁹⁶⁴ This population increase was the result of active procreation, as well as a steady stream of immigrants.⁹⁶⁵ As people crowded the coastal regions, pressure was exerted on people to move inward from the coast. "This demographic explosion, this gigantic movement of people" states Wood, "was the most basic and the most liberating force working on American society during the latter half of the eighteenth century."⁹⁶⁶ Beyond powering growth and movement the influx of people also created economic tensions that energized economic expansion.

Around the Atlantic rim, the "demand for foodstuffs ... began enticing ... American farmers into producing for distant markets."⁹⁶⁷ To facilitate the transport of "wheat and other foodstuffs"⁹⁶⁸ throughout the colonies and the colonial world, support services sprang up and infrastructure developed. With the increase in exports, a reciprocal rise in imports occurred as well. Legal and illegal imports entered into a commercial

⁹⁶⁴ Wood, *The Radicalism of the American Revolution*, 125.

⁹⁶⁵ Wood, *The Radicalism of the American Revolution*, 125.

⁹⁶⁶ Wood, *The Radicalism of the American Revolution*, 133-134.

⁹⁶⁷ Wood, *The Radicalism of the American Revolution*, 134.

⁹⁶⁸ Wood, *The Radicalism of the American Revolution*, 134.

network that benefitted from the improved infrastructure and competed with an emergent “domestic manufacturing”⁹⁶⁹ sector.

Domestic enterprise developed alongside the demographic growth and the foray into foreign trade. As the seaboard population grew local arable land was lost. The family farmers who remained turned to “manufacturing and trading,” Wood claims, in order to “bolster their income and raise their living standards.”⁹⁷⁰ Driving the desire to improve living standards “was the weakness of the social hierarchy in America.”⁹⁷¹ Lacking a hereditary aristocracy, individuals recognized opportunities for upward social mobility. Combined with a desire to improve one’s lot in life, the “increased purchasing power among the ordinary people” assisted “social emulation” through “emulative consumption” of “luxury goods.”⁹⁷² The people in the New World were constructing a new basis for society –consumerism.

Impeding the development into a consumer society was the intervention of British economic policies. Historian Gary Nash notes that confronting the burgeoning economic potential of the colonies were certain economic stressors introduced by the British Crown and Parliament. The English were able to interfere with the American economy, according to Nash, through several routes: “trade policy ... enforcement of custom laws, the availability of currency, the role of English traders in the American market, and the

⁹⁶⁹ Wood, *The Radicalism of the American Revolution*, 137.

⁹⁷⁰ Wood, *The Radicalism of the American Revolution*, 138.

⁹⁷¹ Wood, *The Radicalism of the American Revolution*, 135.

⁹⁷² Wood, *The Radicalism of the American Revolution*, 135.

strength of overseas demand for American products.”⁹⁷³ In writing *A Summary View of the Rights of British America*, Jefferson addressed a wide range of American concerns over violations of rights. Of particular interest is his explication of his distress relating to commerce. Even though the inhabitants of the colonies were English subjects who enjoyed the right to “the exercise of a free trade with all parts of the world,” Jefferson noted that Parliament had “assumed upon themselves the power of prohibiting [American] trade with all other parts of the world, except the island of Great Britain.”⁹⁷⁴ Their “rights of free commerce,” that provided economic security, became “a victim to arbitrary power.”⁹⁷⁵ English policies dictated that the only foreign market open to American producers and merchants were buyers in Britain. A British merchant would set the purchase price for American goods and then resell the merchandise to “foreign markets, where he [would] reap the benefits of making sale of them for full value.”⁹⁷⁶ Reaching even deeper into the commercial policies of the colonists, Parliament passed policies regulating the products manufactured in America. Jefferson decried the fact that “they would prohibit us from manufacturing for our own use the articles we raise on our own lands with our own labour.”⁹⁷⁷ Not only were the colonists denied free access to the markets in the British Empire and beyond, but they were also restricted from producing

⁹⁷³ Nash, *The Urban Crucible*, 316.

⁹⁷⁴ Jefferson, *Thomas Jefferson: Writings*, 108.

⁹⁷⁵ Jefferson, *Thomas Jefferson: Writings*, 108.

⁹⁷⁶ Jefferson, *Thomas Jefferson: Writings*, 109.

⁹⁷⁷ Jefferson, *Thomas Jefferson: Writings*, 109.

goods that could be consumed locally if those items competed with products sold by British merchants.

American merchants and landowners came under even more pressure during the debt crisis of 1772. During this period Americans were called upon to answer for their debts to “British creditors”⁹⁷⁸ while the creditors were not held accountable for their own. If unable to pay their debt the Americans were “hailed into court for settlement of accounts and committed to debtors prison.”⁹⁷⁹ The extent of British tampering went further, when British merchants were allowed to cut out the “colonial middleman” through “sell[ing] off English goods directly to the public.”⁹⁸⁰ In bypassing the colonial merchant, not only were the British merchants able to eliminate the middleman, they were also able to unload goods at costs that undermined “the interests of the seaboard merchant and shopkeeper.”⁹⁸¹ Nash points to the Tea Act of 1773 as an example of an attempt to “wrest control of the internal workings of the American economy from the hands of its own people.”⁹⁸² The tea was to be sold by the East India Company directly to the colonists through company agents. American merchants were cut out of the tea market, diverting profits straight into the hands of a British company. These policies and practices of the English hurt those with direct commercial interests as well as those who

⁹⁷⁸ Jefferson, *Thomas Jefferson: Writings*, 110.

⁹⁷⁹ Nash, *The Urban Crucible*, 317-318.

⁹⁸⁰ Nash, *The Urban Crucible*, 316.

⁹⁸¹ Nash, *The Urban Crucible*, 316.

⁹⁸² Nash, *The Urban Crucible*, 317.

worked in industries that provided support services; including laborers who had little margin room to absorb shifts in prices and wages.⁹⁸³

Throughout the eighteenth-century the colonists recognized the economic potential of the New World. The opportunities opened the way to population increases and shifts. As immigrants flooded the seaboard cities a wave of people spread out into the interior. Additionally, space restrictions encouraged people to creatively engage in cottage-industrial activity. Wealth through surpluses and new ventures was generated and consequently the standard of living was raised. People began to emulate the upper societal classes, including the purchase of luxury goods. The colonists realized they were primed for success. The irritations that could derail American commercial fortune were the arbitrary violations of the economic system by the British government. The English imposed their will upon the colonists through legislation and the threat of force. Faced with the immense possibilities for economic development and success, the meddlesome British policymakers' Acts disrupted the stability of the American commercial enterprise and subsequently the ability of each colonist to protect their property. In the American mindset, "the economic regulation[s]" interfered unjustly in the economic affairs of the colonists and was viewed as "a coordinated attack on their 'lives, liberties, and property'."⁹⁸⁴ Consequently, as Nash argues, "protection of property was one of the main incentives for resisting England."⁹⁸⁵ American revolutionaries found in the Acts of

⁹⁸³ Nash, *The Urban Crucible*, 316.

⁹⁸⁴ Nash, *The Urban Crucible*, 318.

⁹⁸⁵ Nash, *The Urban Crucible*, 349.

Parliaments –beginning in 1764 with the American Revenue Act through 1773 with the Tea Act– that control over property and the economic system directly related to their ability to live free and equally within society.

While the Declaration of Independence included in its “history of repeated injuries and usurpations” charges of “cutting off our Trade with all parts of the world” and “imposing Taxes on us without our Consent” as “Facts [to] be submitted to a candid world”⁹⁸⁶ to prove British tyranny over the colonies, it is in the arguments given to solicit support for the ratification of the proposed Constitution which bring to the foreground the importance the founders, framers, and the people gave to property. In providing reasoning to establish a union instead of fracturing into thirteen or less disparate nations John Jay argued that “the prosperity of the people of American depended on their continuing firmly united.”⁹⁸⁷ Even more succinctly he stated that “the prosperity of America depended on its Union.”⁹⁸⁸ Hamilton claimed that through “unrestrained intercourse between the states” there would be an “advance of trade” meeting “not only ... the supply of reciprocal wants, but ... [also] exportation to foreign markets.”⁹⁸⁹ He went on stating that in each State “the veins of commerce” and “commercial enterprise” would be invigorated and stabilized through the “greater scope” that “the diversity in the

⁹⁸⁶ Declaration of Independence, in *The Charters of Freedom*, http://www.archives.gov/exhibits/charters/declaration_transcript.html (accessed on July 20, 2013).

⁹⁸⁷ John Jay, “Federalist #2,” in *The Federalist* (New York: Barnes and Noble Classics, 2006), 13.

⁹⁸⁸ John Jay, *Federalist #3*, 16.

⁹⁸⁹ Alexander Hamilton, “Federalist #11,” in *The Federalist* (New York: Barnes and Noble Classics, 2006), 63.

productions of different states”⁹⁹⁰ would supply. A united nation then would supply “a prosperous commerce” that was held “by all enlightened statesmen” as “a primary object of their political cares.”⁹⁹¹ In order to achieve economic freedom and maintain political liberty preserving the unification of the States was argued to offer the best road for success.

The road to a unified nation would come through the ratification of the Constitution, which would establish an energetic federal government. An energetic government, while desirable for promoting and protecting American commercial interests, was also a source for trepidation. If the checks and balances built into the structure of the government did not work to impede the consolidation of power into the hands of one or a few a strong centralized government could wrest ultimate power from the hands of the people. To help ensure that the concentration of power did not fall under the sway of the one, the few, or the majority, Madison, theorized another contribution of property in relation to good republican governance.

Where liberty existed, individuals were able to pursue prosperity and property at their own discretion. When this was the case, Hamilton argued that individual capacities would elevate some endeavors over the pursuits of others. As some enterprises met with success, the end result would be an “inequality of property[, which in turn] constituted

⁹⁹⁰ Hamilton, Federalist #11, 63-64.

⁹⁹¹ Hamilton, Federalist #11, 65.

the great and fundamental distinction in Society.”⁹⁹² Madison succinctly explicated the linkage between capacities and property. He argued that “the diversity in the faculties of men” resulted in “different and unequal faculties of acquiring property,” which in turn produced “the possession of different degrees and kinds of property.”⁹⁹³ Madison concluded that property inequities and the generative concerns associated with differing levels of property accumulation form the ground from which “ensues a division of the society into different interests and parties.”⁹⁹⁴ To simplify the connections: Capacities produce property which in turn informs and results in societal and political factions. The differing interests of society and the positions held by members advocating those interests in relation to current or proposed collectively binding –political– decisions therefore were a direct outcome of the enactment of capacities within the economic sphere of society. For Madison, the sum of this equation –factions– was an absolute necessity in checking the formation of a ruling majority and mitigating its influence once composed. As such he argued that “the protection of these faculties, is the first object of government.”⁹⁹⁵ The only way for the government to accomplish this goal, was for it to protect the fruition of capacities in the economic sphere –property– and the interests of property holders.

⁹⁹² Alexander Hamilton, “Length of Term in Office for Senators,” in *The Anti-Federalist Papers and the Constitutional Convention Debates*, ed. Ralph Ketcham (New York: Signet Classic, 2003), 91-92.

⁹⁹³ Madison, Federalist #10, 53.

⁹⁹⁴ Madison, Federalist #10, 53.

⁹⁹⁵ Madison, Federalist #10, 53.

In formulating the Constitution, Madison recognized that “persons and property [were] both essential objects of Government.”⁹⁹⁶ Neglecting either would not result “in a just and a free Government” since both needed “to be effectually guarded.”⁹⁹⁷ Key for the protection of *persons and property* was the presumption that both were connected to representation through suffrage. Debates during the Constitutional Convention raged over the right to suffrage as each State had established its own qualifications regarding who could vote.

During this time period most States restricted voting rights to property owners, with the primary “legal alternative,” according to Williamson, “a tax-paying qualification.”⁹⁹⁸ In considering this issue the framers eventually decided that it was best for the States to determine the necessary qualifications for voting rights, but before they did they thoroughly explored the issue to see if a national standard could be set through the Constitution. The framers knew that “there [was] no right of which the people [were] more jealous than that of suffrage”⁹⁹⁹ but they also acknowledged that “the regulation” of

⁹⁹⁶ James Madison, “Qualifications for Suffrage,” in *The Anti-Federalist Papers and the Constitutional Convention Debates*, ed. Ralph Ketcham (New York: Signet Classic, 2003), 151.

⁹⁹⁷ Madison, *Qualifications for Suffrage*, 151.

⁹⁹⁸ Williamson, *American Suffrage*, 13.

⁹⁹⁹ Pierce Butler, “Qualifications for Suffrage,” in *The Anti-Federalist Papers and the Constitutional Convention Debates*, ed. Ralph Ketcham (New York: Signet Classic, 2003), 146.

suffrage was “a task of peculiar delicacy.”¹⁰⁰⁰ The delicacy lay in balancing the rights of those with property against those of people who did not.

Limiting the right to vote to people with property could result in “the rights of persons ... [being] oppressed.”¹⁰⁰¹ On the other hand, universal male suffrage could leave those with property at the mercy of the landless majority.¹⁰⁰² In addressing these alternative positions two significant concerns were expressed in the debates. The paramount question that framed the first concern asked what guaranteed the affections of the people toward the good of society. For some, an individual’s attachment was only assured through ownership of property. The assumption was that when a person shares in the ownership of an object, then s/he is interested and motivated to ensure that it is preserved. Those who advocated for property did so because they felt that property holders –freeholders– were, as Dickinson claimed, “the best guardians of liberty” and “a necessary defence against the dangerous influence of those multitudes.”¹⁰⁰³ People without property represented a “danger to the holders of property”¹⁰⁰⁴ in that if they could vote for representation then they might select individuals willing to redistribute the wealth of the property owners. And yet by limiting the right to suffrage to freeholders,

¹⁰⁰⁰ Madison, *Qualifications for Suffrage*, 151.

¹⁰⁰¹ Madison, *Qualifications for Suffrage*, 151.

¹⁰⁰² Madison, *Qualifications for Suffrage*, 151.

¹⁰⁰³ John Dickinson, “Qualifications for Suffrage,” in *The Anti-Federalist Papers and the Constitutional Convention Debates*, ed. Ralph Ketcham (New York: Signet Classic, 2003), 146; and Williamson, *American Suffrage*, 6.

¹⁰⁰⁴ Madison, *Qualifications for Suffrage*, 152.

the interests of their *persons and property* would be protected, but the rights or *persons* of those without property would be violated. The assumption that property equaled attachment did face opposition and was challenged when individuals like Colonel Mason asked:

Does nothing besides property mark a permanent attachment? Ought the merchant, the monied man, the parent of a number of children whose fortunes are to be pursued in his own Country, to be viewed as suspicious characters, and unworthy to be trusted with the common rights of their fellow Citizens.¹⁰⁰⁵

Mason does not deny that ownership of property does produce social attachment, but he is willing to acknowledge that there are alternative means for producing a solid connection between a societal member and the governance of that society. Mason's question is also informative in that at its foundation lies a hint of the second concern.

When Madison noted that it was a "fundamental principle that men can not be justly bound by laws in making which they have no part"¹⁰⁰⁶ he provided a clear articulation of the bases for the second concern: since in society collectively binding decisions limit the available sphere of liberty by increasing the sphere of power should not those who are expected to abide by the decision have voice in the making of that law. When Jefferson declared in 1816, "let every man who fights or pays, exercise his just and equal right in their election"¹⁰⁰⁷ he was pointing to the idea that those who support society should have a right to define the limits of their liberty. However a stronger

¹⁰⁰⁵ George Mason, "Qualifications for Suffrage," in *The Anti-Federalist Papers and the Constitutional Convention Debates*, ed. Ralph Ketcham (New York: Signet Classic, 2003), 147.

¹⁰⁰⁶ Madison, *Qualifications for Suffrage*, 150.

¹⁰⁰⁷ Jefferson, *Thomas Jefferson: Writings*, 1397.

declaration of this *fundamental principle* was expressed in an article that appeared in 1802 in *The Hornet*:

To say that the farmer & Mechanic have nothing to do with government, is to say that farmers and Mechanics have nothing to do with their own happiness or misery. We say they are capable of government themselves and ought to enjoy the right of suffrage.¹⁰⁰⁸

In this article, *Every Freeman Ought to Vote*, the right to suffrage was the means to secure, not only the ability to vote, but also one's own happiness. Societal happiness was a means to evaluate whether or not a government, according to John Adams, was achieving its designed end.¹⁰⁰⁹ Those denied a voice in the government, were denied the opportunity to affect their own individual happiness, which was "the end of man."¹⁰¹⁰ The right to suffrage enabled those qualified to have a voice in shaping the directions and goals of the government, and thereby their own happiness. Consequently, if the right to vote was tied to a property qualification, then the government for the majority of societal members would be illegitimate as they would not have the ability to affect the course of the government and the laws it enacted. Therefore, as the question of suffrage continued to be a topic of concern for the citizenry, eventually the tax-paying qualification, along with service in the military were considered to be adequate expressions of attachment to society.¹⁰¹¹

¹⁰⁰⁸ Every Freeman Ought to Vote, *The Hornet* [Fredricktown, MD], 27 July, 1802.

¹⁰⁰⁹ Adams, *The Portable John Adams*, 234.

¹⁰¹⁰ Adams, *The Portable John Adams*, 234.

¹⁰¹¹ Williamson, *American Suffrage*, 147, 160, and 181.

Even with the eventual popular shift in suffrage to include all men, the role of property was already firmly inscribed into the Constitution. Property or economic freedom ensured that individuals were free to pursue their own political goals. Property distinctions produced factions and factions mitigated the likelihood the majority would oppress minority groups. Property secured societal attachment. And finally, property was one of the spheres in which equality was realized.

Equality: A Revolutionary Idea

The idea of equality was firmly established and expected in the American consciousness prior to the Revolution. For instance, John Adams wrote in 1766:

that the meanest and lowest of the people, are, by the unalterable indefeasible laws of God and nature, as well intitled to the benefit of the air to breathe, light to see, food to eat, and clothes to wear, as the nobles or the king. All men are born equal....¹⁰¹²

In his explication of equality, Wood states that it was “the most radical and most powerful ideological force let loose in the Revolution.”¹⁰¹³ As was previously discussed the American conception of equality viewed humanity as being fundamentally equal and yet functionally unequal due to the effects wrought through the disparity of capacities. Consequently, even though Thomas Paine argued that while “mankind [was] originally equals in the order of creation”¹⁰¹⁴ Wood could claim that “republican equality did not

¹⁰¹² Clarendon [pseud.], The Earl of Clarendon to Wm. Pym.; and Wood, *The Radicalism of the American Revolution*, 237.

¹⁰¹³ Wood, *The Radicalism of the American Revolution*, 232.

¹⁰¹⁴ Paine, *Common Sense*, 12.

mean the elimination of all distinctions.”¹⁰¹⁵ The first distinction that is relevant is the narrow scope that equality was limited to for the framers. Equality during this *radical* awakening was not for all of humanity in that it was restricted to a particular set of men. Additionally and more significant for these white males as they were framing what equality meant and how it was to be applied was their recognition that capacities made the political sphere dangerous ground for equality. As a result, equality needed another sphere where individuals could realize what Charles Pinckney, delegate to the Constitutional Convention, argued was “the leading feature of the U. States.”¹⁰¹⁶

Equality permeated deep down into the roots of American society and spread across all facets of its existence. In the political arena, equality influenced the creation of the Constitution. The popular conception of equality pushed beyond the boundaries that the limitations of capacities had created for it. Yet during the time of the founders and framers, it was in the realm of possibility and opportunity where equality was allowed to find its fullest expression in American society. In other words, politically equality was the ideal, functionally it was a rallying cry, but in reality it was realized through opportunity.

The ideal of equality in the political sphere was limited to the principal of equal representation, equal privileges in voting and equal rights before the law. In regards to the former, the Federal Farmer argued that it entailed the expression of the interests of “every

¹⁰¹⁵ Wood, *The American Revolution*, 100.

¹⁰¹⁶ Madison, *Notes of Debates in the Federal Convention of 1787*, 184.

order of men”¹⁰¹⁷ in the Assembly, as if they were actually there speaking for themselves. In applying the principle to the Senate, Alexander Hamilton conveyed the belief that parties –States– involved in the government “ought to have an equal share”¹⁰¹⁸ no matter the size or power of the party. At its heart though, equal representation was not possible without the ideal of equality in voting. Thomas Paine declared that “every man has a right to one vote, and no more in the choice of representatives.”¹⁰¹⁹ John Adams concurred in principle when he wrote that “the only practicable method” of establishing “the equal right of citizens, and their proper weight and influence in society, is by elections.”¹⁰²⁰ Similarly, during the Constitutional Convention debates, Roger Sherman argued that with “an equal vote” the rich man and the poor man were “equally safe.”¹⁰²¹ The political ideal provided the standard against which the Constitution and future legislation would be measured. While ultimately it was deemed by the framers that decisions concerning representation (besides its relation to the Senate) and suffrage were both best left to the States, they were able to isolate one area in which the ideal of equality could be written into the Constitution.

The ideal of equality before the law was succinctly expressed when Charles Pinckney claimed that “every freeman has the right to the same protection &

¹⁰¹⁷ Brutus [pseud.], Essays I, VI, X-XII, and XV, 265.

¹⁰¹⁸ Alexander Hamilton “Federalist #62,” in *The Federalist* (New York: Barnes and Noble Classics, 2006), 342.

¹⁰¹⁹ Paine, *Dissertation on First Principles of Government*, 246.

¹⁰²⁰ Adams, *The Portable John Adams*, 331.

¹⁰²¹ Madison, *Notes of Debates in the Federal Convention of 1787*, 208.

security.”¹⁰²² This right is found in the Constitution at section one of article fourteen: “All persons born or naturalized in the United States” cannot be “deprive[d] ... of life, liberty, or property, without due process of law” and all people “within its jurisdiction” are to enjoy “the equal protection of the laws.”¹⁰²³ This equality before the law was held by Adams “to be the true and only true definition of a republic.”¹⁰²⁴ In his first Inaugural address, Jefferson, affirmed that “equal and exact justice to all men” was an “essential principle of our Government.”¹⁰²⁵ It was through the judiciary branch of the government then that equality was extended to all societal members. While the inclusion of the *equal protection* clause embedded equality into the Constitution, the strength and vitality of the ideal was not located in its influence on principles, privileges or portions of the Constitution, but was fed by and found in the people’s belief in equality.

According to Wood, popular sentimentality favored a far reaching sense of equality. At one level “the common sense of common people” exhibited the “qualities that were essential for republican government.”¹⁰²⁶ In other words, the moral capacities necessary for equality were considered widely dispersed among the populace. Exhibiting this perspective Jefferson claimed, “State a moral case to a ploughman & a professor. The

¹⁰²² Madison, *Notes of Debates in the Federal Convention of 1787*, 181.

¹⁰²³ U.S. Constitution amend. 14, sec. 1.

¹⁰²⁴ Adams, *The Portable John Adams*, 327.

¹⁰²⁵ Thomas Jefferson, “First Inaugural Address,” in *The American Presidency Project*, eds. John T. Woolley and Gerhard Peters, <http://www.presidency.ucsb.edu/ws/?pid=25803> (accessed on 20 July, 2013).

¹⁰²⁶ Wood, *The American Revolution*, 100.

former will decide it as well, & often better than the latter.”¹⁰²⁷ In relation to the government, he made a similar argument when he claimed “that the good sense of the people will always be found to be the best army.”¹⁰²⁸ In his perspective, there was relatively no distinction between the moral character or *good sense* of a commoner and those distinguished by superior capacities.

Wood pushes even further though in arguing that revolutionary Americans actually accepted that everyone was “in a basic down-to-earth and day-in-and-day-out manner”¹⁰²⁹ equal to each other. What caused differences were not inherent capacities per se, but the distinct realities that nurtured each person.¹⁰³⁰ It is likely that these beliefs led to the advocacy for a robust system of education or dispersal of information to correct those deleterious environmental effects that could impede the abilities of the people to regulate society and the government. For instance Melancton Smith claimed that “the true policy of constitutions will be to increase the information of the country, and disseminate the knowledge of government as universally as possible”¹⁰³¹ and Washington argued that “knowledge is in every country the surest basis of public happiness.”¹⁰³² People were created with “understanding, and a desire to know,” which according Adams, afforded

¹⁰²⁷ Jefferson, *Thomas Jefferson: Writings*, 902.

¹⁰²⁸ Jefferson, *Thomas Jefferson: Writings*, 880.

¹⁰²⁹ Wood, *The American Revolution*, 234.

¹⁰³⁰ Wood, *The American Revolution*, 235-236.

¹⁰³¹ Smith, *Speeches of Melancton Smith*, 351.

¹⁰³² Washington, *First Annual Address*, 58.

them “a right ... to knowledge.”¹⁰³³ The popular sense of equality was based on the supposition that all people had the “moral sense” to make good decisions and “do good.”¹⁰³⁴ These views of equality certainly circulated throughout the States during the ratification of the Constitution. However, in the political sphere, due to the intersection of equality and capacities, the founders and framers favored restricting equality out of a fear of capacities’ influence.

The people’s perspective of equality and the framers’ fears of capacities created a paradox. Adams conveyed this paradox well when he claimed that while the people should have “equal rights” they “cannot, and ought not have equal power”¹⁰³⁵ as they could be swayed by their passion or a personality into making imprudent –politically unsound– decisions. Consequently the framers limited the political sphere to those who exhibited superior capacities, but made open the opportunity to rule a right of every citizen. In composing the requirements indicating who could be a representative, senator, president or judge “no qualification of wealth, of birth, of religious faith, or of civil profession, [was] permitted to fetter the judgment, or disappoint the inclination of the people.”¹⁰³⁶ Every *man* had the opportunity to rise to political power as long as the merit of his capacities enabled him to win the favor of the people.¹⁰³⁷ As Madison put it, “Who

¹⁰³³ Adams, *The Portable John Adams*, 219.

¹⁰³⁴ Wood, *The Radicalism of the American Revolution*, at p. 240.

¹⁰³⁵ Adams, *The Portable John Adams*, 419.

¹⁰³⁶ Madison, *Federalist* #57, 317.

¹⁰³⁷ Wood, *The American Revolution*, 99-100.

are to be the objects of popular choice? Every citizen whose merit may recommend him to the esteem and confidence of his country.”¹⁰³⁸ If a citizen could win the favor of the electors, then that citizen could be one of the few to rule the people. In principle then, it was this equal opportunity that framed the reality of equality for Americans.

While limited in the political arena, the sphere in which equality was loosed and flourished was that of economic opportunity. Americans might not be functionally equal, but they had an equal opportunity to make the most of their lives through an application of their capacities. Wood claims that “equality ... meant most obviously equality of opportunity”¹⁰³⁹ and this opportunity referred primarily to the private lives of the people and their engagement in civil society. After observing American society in 1832, Tocqueville, wrote in reference to the American conception and manifestation of equality that:

[It] can be established in civil society and not reign in the political world. One can have the right to indulge in the same pleasures, to enter the same professions, to meet in the same places; in a word, to live in the same manner and pursue wealth by the same means, without having all take the same part in government.¹⁰⁴⁰

His observations confirmed Jefferson’s claim that “the true foundation of republican government is the equal right of every citizen, in his person and property, and in their management.”¹⁰⁴¹ America was the land of opportunity, of which it was said that while “no one can obtain wealth without toil and industry; [it is] where each one has an equal

¹⁰³⁸ Madison, *Federalist* #57, 317.

¹⁰³⁹ Wood, *The Radicalism of the American Revolution*, 233.

¹⁰⁴⁰ Tocqueville, *Democracy in America*, 479.

¹⁰⁴¹ Jefferson, *Thomas Jefferson: Writings*, 1398.

chance for riches and honors.”¹⁰⁴² Opportunity to rule in the political sphere or to advance one’s standing in civil society then defined the limits and reality of equality in America. American citizens could conceive of themselves as being equal because in their day-to-day lives, whether in the political sphere or civil society, they all, in principle, started from a position of equality.

Equality in the American formulation recognized the fundamental equality of all, created a functional equality in the private and economic spheres of life and restricted it in the political sphere to those chosen by the people to rule in their stead. This conception of equality differs substantively from that of the Athenians. The Athenians believed that they were all fundamentally equal and as such a political sphere in which functional equality could be realized was a necessity for the enactment of self-rule. Capacities and the founders and framers’ view of capacities seeped down into the very soil from which the framers drew out their ideas about not only power, knowledge, liberty, property but also equality.

In the ideology of American governance the core constructs of even liberty and equality differ radically from that required for authentic democracy and governance. Liberty and equality are forever in a dance. Joined together equality necessitates that liberty is not freedom to do whatever one wants to do. Being equal, liberty is obligated to respect, preserve, and protect the right of the other to experience the same scope of choice over his or her life. Without this obligation then liberty tramples over the equality of another. Yet this is what liberty does under American governance for two reasons.

¹⁰⁴² Truth [pseud.], On Democracy, July 21.

First, the citizenry does not participate in collectively deciding the imposition of power – the required cooperative acts– in their lives as they have given up their power to do so to representatives; resulting in the citizenry and representatives not being functional political equals. Second, American governance has not constituted a space of equality; equal opportunity, while laudable as an ideal, is farcical when certain capacities are valued and rewarded societally more than others, which allows over time for the accumulation of power into the hands of those who can maximize their capacities in these areas or invest and capitalize on the capacities of others. This mirage of equality is maintained through the examples of the exceptional few who have parlayed their superior capacities to rise to preeminent societal positions –translatable into economic success– instead of the majority of the people experiencing near economic equality across the societal spectrum. While any citizen can be a representative of the people the disparity of resources this ideology results in makes the possibility of this opportunity highly unrealistic. Consequently, the American construction of equality as equal opportunity leads to inauthentic governance as it is not generative of a functional equality in the private sphere or in the public –political– sphere as it invalidates individual liberty through denying the great majority of the citizenry participation in the collectively binding decision-making spaces. In restricting equality in this way American governance also fails to be authentic because it restricts for the great majority of citizens their pursuit of happiness only to their private endeavors, when human happiness necessitates a public expression as well. Disempowered as such the people are denied their full potentiality for happiness, which as the Declaration of Independence constructs is an inalienable right.

The founders and framers of the American government established a form of governance based on a particular ideology composed of conceptions concerning power, knowledge, liberty, property and equality. This ideology of governance was strongly influenced by their beliefs about human capacities and society. The outcome was a substantially different form of governance than the one that functioned in ancient Athens. Athenian ideology of democracy formed around the concepts of power, knowledge, liberty, equality and participation. As such the nature of American governance produces significantly different ideological effects within the structure of society and its members than what was found in ancient Athenians and what is called for in authentic governance.

Certainly the contemporary view of the conceptions and instantiations of democracy in America has shifted from the founders and framers' ideology of governance. This point is significant but since their ideals were inscribed into the Constitution, where the people have not acted to revise those conceptions, their voice still strongly influences how Americans experience the government. Indeed we still accept that "all authority in [the government] will be derived from, and dependent on the society,"¹⁰⁴³ but the implications of power surrendered, of superior capacities, of the governing bodies being divided into a system of checks and balances for the preservation of liberty and protection of property has secured the people from their passions and an oppressive dominion the few. Consequently, it has also meant that the *empowerment* experienced by the citizens of Athens has been lost to all except for the few chosen to rule.

¹⁰⁴³ Madison, Federalist #51, 290.

Contemporary Scholarly Conception of Democracy

Democracy today is a political framework or “regime”¹⁰⁴⁴ that is defined by certain ideals. What is conveyed as democracy in America actually emerges out of an articulation of the Athenian and American ideologies. Democracy as an idea is a historical, cultural and social construction that “is complex and ... marked by conflicting conceptions.”¹⁰⁴⁵ Liberal and republican traditions¹⁰⁴⁶ have been influential to this ongoing construction. The modern view of democracy, Chantal Mouffe argues, exhibits a fusion of “political liberalism (rule of law, separation of powers and individual rights) and ... the democratic tradition of popular sovereignty.”¹⁰⁴⁷ In the convergence of these two rich and robust streams of thought, liberal discourse appears to have tipped the scale of balance in its favor, so that currently around the world “liberal democracy seems to be recognized as the only legitimate form of government.”¹⁰⁴⁸ To map out all of the contours of how contemporary academia regards democracy is not feasible, since the number of voices speaking into our understanding of it is immense. A sketch though is possible by following the prolific and influential work of political theorist Robert Dahl with supplements provided through the contributions of a few others.

¹⁰⁴⁴ Cornelius Castoriadis, “Democracy as Procedure and Democracy as Regime,” in *Constellations* 4, no. 1 (1997): 5.

¹⁰⁴⁵ Held, *Models of Democracy*, 1.

¹⁰⁴⁶ Jürgen Habermas, “Three Normative Models of Democracy,” in *Democracy and Difference: Contesting the boundaries of the political*, ed. Seyla Benhabib (Princeton: Princeton University Press, 1996), 21.

¹⁰⁴⁷ Mouffe, *The Democratic Paradox*, 18.

¹⁰⁴⁸ Mouffe, *The Democratic Paradox*, 80.

In considering how democracy is conceived of in contemporary political scholarship, it is important to note that in a significant way we still live in a world similar to that of the Athenians and early Americans. When people live in a society they “need a process for making decisions”¹⁰⁴⁹ about societal life. Robert Dahl argues that societal “members are expected to conform to these decisions”¹⁰⁵⁰ as the decisions are considered to be collectively binding. Decisions that are collectively binding are made through a two-step process that includes participation in the composition of the agenda as well as *deciding its decisive outcomes*.¹⁰⁵¹ In the United States these decisions are arrived at through a political process known today as representative democracy.

Even though the attributes of liberalism dominate the tradition of democracy, the influences of democracy are still significant. While the Athenian ideology of democracy is ancient and thereby far removed from our contemporary world, political communication scholar John Gastil can still claim that “at its core, democracy means self-rule, rule by all.”¹⁰⁵² This democratic ideal continues to make legitimate the laws and policies under which the American people live through their connection to “popular assent.”¹⁰⁵³ Democracy has a legacy, which instantiate an established tradition that reflects this core belief about the people.

¹⁰⁴⁹ Dahl, *Democracy and Its Critics*, 83.

¹⁰⁵⁰ Dahl, *Democracy and Its Critics*, 83.

¹⁰⁵¹ Dahl, *Democracy and Its Critics*, 107.

¹⁰⁵² Gastil, *Political Communication and Deliberation*, 5.

¹⁰⁵³ Macedo, *Democracy at Risk*, 13.

Following Aristotle's explication of democracy, Gastil contends that the fundamental features of a democracy are manifested by "institutions that makes the will of the majority into the law of the land" through regular elections, the assurance that citizens have "an equal chance to hold offices,"¹⁰⁵⁴ and minimizing limitations on citizenship. In other words, Gastil is arguing that democracy *empowers* people's decision for collective effort, requires *participation* among *equals*, and is inclusive of the people under the direct influence of the collectively binding decisions they are obligated to obey. Democracy's core construct of an *empowered people* has fostered a web of related ideals, beliefs, assumptions, procedures, practices and institutions concerned with constituting democratic principles and governance. These classical notions of democracy have been translated into contemporary, popular assumptions about democracy.

Democracy is a political ideology that posits ideals and practices that organize society in a particular way. A contemporary view of the core constructs of democracy, as identified by Robert Dahl, includes *effective participation* or the ability and opportunity to convey to others one's own views concerning policies; *voting equality* or the opportunity for each member to cast an equally weighted vote when *deciding a decisive outcome*; *enlightened understanding* or the ability within reasonable constraints for members to learn about proposed policies and their consequences; *control of the agenda* or the ability to propose and place items on the political agenda;¹⁰⁵⁵ and the extension of

¹⁰⁵⁴ Gastil, *Political Communication and Deliberation*, 5.

¹⁰⁵⁵ Dahl, *On Democracy*, 37-38.

the corresponding *fundamental rights* that secure these democratic ideals¹⁰⁵⁶ in order for the *inclusion of adults* to include “all, or ... most, adult permanent residents.”¹⁰⁵⁷ These ideals form the structure of the state and the ground from which people understand what their positions and levels of participation are within a democratic form of governance.

To deepen this understanding of the basic ideals necessary for democratic rule within the political sphere and civil society Darrin Hicks adds:

Democracy, in principle, refers to the promise that those who call upon the law and those whom the law calls upon are also its authors. Democracy, in practice, refers to a particular institutional arrangement for making binding political decisions. Given the heterogeneity of “the people,” an institutional arrangement generating binding decisions is democratic if it is constituted by free and open participation of all (or at least sufficient representation of those affected by the decision) and if, from the perspective of the participants, the outcomes of this process are not known in advance.¹⁰⁵⁸

Democracy from this conception entails institutions that enforce collectively binding agreements that are arrived at by constituents who have created governing apparatus through their non-coerced participation in the decision-making process. Again Dahl has provided a concise list of “basic political institutions” representative of the modern instantiations of liberal democracy. This includes institutions in which (1) representatives of the people can “directly or indirectly” decide between proposed policies and are held accountable for the decisions made; (2) the frequent election of representatives by citizens, who “are entitled to participate” in the process through voting and (3) as part of the pool of possible representatives if one decides to stand for an open position s/he can

¹⁰⁵⁶ Dahl, *On Political Equality*, 10.

¹⁰⁵⁷ Dahl, *On Democracy*, 38.

¹⁰⁵⁸ Hicks, *The Promise(s) of Deliberative Democracy*, 229-230.

do so; (4) the free expression regarding politics and political decision is allowed and protected; (5) the citizenry can search “independent sources of information” from various resources that are free of governmental and monopolistic control; and (7) the citizenry can “form and participate in relatively independent associations and organizations.”¹⁰⁵⁹ Dahl’s list of institutions indicate not only those located in the political sphere but also includes in the latter half those found in civil society. Between these two spheres of life a consistent equilibrium needs to be maintained. Balancing the “power and authority” of the state are the independent “structures and organizations” created and populated by the citizens “that are strong enough to stand up to the state and serve as a counterbalance to the authority of the government.”¹⁰⁶⁰ It is through the institutions of civil society that the state learns of the “active interests”¹⁰⁶¹ of the public and about public support for proposed collectively binding decisions. Consequently, instead of constructing a space for the authentic self-rule of the citizenry, these institutions are meant to convey the public’s will to representatives who rule in their stead.

How democratic principle and practice are taken up though can vary according to background beliefs. Jürgen Habermas sketches out two of the more pervasive means of conceiving of democracy, which exhibit key components noted by Hicks: the liberal and

¹⁰⁵⁹ Dahl, *On Political Equality*, 12-13.

¹⁰⁶⁰ Lucian W. Pye, “Democracy and Its Enemies,” in *Pathways to Democracy: The Political Economy of Democratic Transitions*, eds. James F. Hollifield and Calvin Jillson (New York: Routledge, 2000), 30.

¹⁰⁶¹ Pye, *Democracy and Its Enemies*, 31.

republican views.¹⁰⁶² Each view presents an understanding of the state, the individual, and politics. A liberal view of democracy entails: (1) governing institutions that function to administer the “interests of society” and “collective goals,” (2) citizens interact and enact private interests according to the norms of a “market-structure,” and (3) politics that consolidates private interests in order to counter the power and unresponsiveness of the governing apparatus.¹⁰⁶³ The republican view posits that (1) the state provides the regulatory arm for a (2) society of “free and equal citizens” who recognize and acknowledge that “their dependence on one another” necessitates (3) politically oriented interactions that compose and maintain governing apparatus in ways that benefit the common good.¹⁰⁶⁴ In the liberal view, Habermas claims that politics has a mediating role between institutions of governance and the people. Under the republican concept, politics produces a “reflective form of substantial ethical life”¹⁰⁶⁵ that sustains the solidarity of citizens.

The republican view as outlined by Habermas, reflects much of the democratic tradition to which Mouffe alludes, as mentioned above. According to her, it is the liberal and not the republican view that frames representative democracy. In addition, she contends that “the defining feature of modern democracy”¹⁰⁶⁶ is pluralism and it is the

¹⁰⁶² Habermas, *Three Normative Models of Democracy*, 21.

¹⁰⁶³ Habermas, *Three Normative Models of Democracy*, 21.

¹⁰⁶⁴ Habermas, *Three Normative Models of Democracy*, 21-22.

¹⁰⁶⁵ Habermas, *Three Normative Models of Democracy*, 21.

¹⁰⁶⁶ Mouffe, *The Democratic Paradox*, 19.

liberal construction of pluralism that shapes liberal democracy. Pluralism, according to Held, involves “political circumstances constituted by a plurality of identities, cultural forms and interests”¹⁰⁶⁷ that, in Mouffe’s words, have led to “the end of a substantive idea of the good life.”¹⁰⁶⁸ Liberalism privileges “individual liberty and ... human rights,”¹⁰⁶⁹ which affects “any attempt to construct a ‘we’, a collective identity.”¹⁰⁷⁰ Through this orientation to pluralism a *market-structure* influences the formation of the political sphere and how the democratic ideals outlined by Dahl are realized. One of the main outcomes of this influence is how the political process is conceptualized. A citizenry conceived through the democratic tradition is able to partake in deliberation about differing preferences and interests. Consequently they are able to arrive at a consensus or majority position that either reduces the difference or incorporates as much as possible the overlap between the differences, in attempt to produce a common good for society. The liberal view however, posits that individuals, contrary to living in society authentically, are “moved” by and seek to promote their preferences and interests in order to construct an aggregate of their “self-interest”¹⁰⁷¹ that wins the majority of votes so that collectively binding decisions represent their particular conception of society.

¹⁰⁶⁷ Held, *Models of Democracy*, 261.

¹⁰⁶⁸ Mouffe, *The Democratic Paradox*, 18.

¹⁰⁶⁹ Mouffe, *The Democratic Paradox*, 2.

¹⁰⁷⁰ Mouffe, *The Democratic Paradox*, 20.

¹⁰⁷¹ Mouffe, *The Democratic Paradox*, 81-82.

While Dahl and others provide a means for a deep conceptualization of representative, modern, liberal democracy, Mouffe pushes into “a profound transformation in the symbolic ordering of social relations.”¹⁰⁷² Likewise, Kim and Kim move beyond “the simple fact that ‘democracy’ refers to both an ideal and an actuality”¹⁰⁷³ by calling attention to the constitutive effects of democracy:

Democracy is not only a way of achieving certain goals but more often than not, it is also about constructing our goals. Democracy is not only a way of reaching consensus but also about constructing the fundamental background on which we can collectively negotiate to achieve a consensus.¹⁰⁷⁴

This position acknowledges democracy’s role in framing how democratic societies construct their lived worlds in accordance with its endemic principles. Democratic citizens then are constituted through particular orientations or background beliefs – ideologies– that inform the goals they should pursue. Such goals then, in turn result in the production of related subjects, procedures, practices and institutions.

Conclusion: Flourishing Democracy Requires Rhetoric Democracy

Contemporary scholarship on democracy and its construction of what democracy is posits a system of government that harkens back to the Athenian ideology of democracy, but still falls short of authentic democracy and governance. The Athenian or even the republican view, articulated by Habermas, suffers from a “*contamination*”¹⁰⁷⁵ of

¹⁰⁷² Mouffe, *The Democratic Paradox*, 18.

¹⁰⁷³ Dahl, *On Democracy*, 26.

¹⁰⁷⁴ Joohan Kim and Eun Joo Kim, “Theorizing Dialogic Deliberation: Everyday Political Talk as Communicative Action and Dialogue,” *Communication Theory* 18, no. 1 (February 2008): 65-66.

¹⁰⁷⁵ Mouffe, *The Democratic Paradox*, 4.

their principles by liberal values and views. For instance, governance manifesting Dahl's recommended institutions in the two spheres of life –political and civil– deprives the people of their right to self-rule. The same critiques leveled at the founders and framers' formulation of American governance undercut Dahl's conception as well. Ultimately, Dahl's institutions effectively disempower the people politically, which in turn compromises their functional equality and their liberty; impedes strong accountability and response; limits the majority of the citizenry's participation to institutions outside of the collectively binding decision-making spaces, thereby severely constraining opportunities for achieving public happiness to the few; and ultimately devalues the knowledge and lived experiences of the majority of the citizenry as it is not allowed into the decision-making spaces unless a proxy –representative– deems it significant for making the decision or for maintaining his or her public position. The result is not a new conceptualization and constitution of democracy, but of a liberalism that legitimates its claim to power through an association with democracy.

Democracy is birthed through the idea of an *empowered people* and “popular sovereignty” that in the liberal construction “is deemed to be obsolete.”¹⁰⁷⁶ The outcome that this form of governance and its deception has produced is “a ‘democratic deficit’.” It is this deficit that necessitates a popular, democratic proposal to reclaim or privilege democratic principles within society. For a full flourishing of democracy, citizens need a political space in which they have the opportunity to engage in democratic rhetoric. Democracy that acknowledges, enables, and achieves equality, liberty, power,

¹⁰⁷⁶ Mouffe, *The Democratic Paradox*, 4.

identification, and public happiness through participation requires governance to manifest a rhetorical democracy.

CHAPTER SIX: DEMOCRATIC RHETORIC AS RHETORICAL DEMOCRACY: TRANSLATING ATHENIAN DIRECT DEMOCRACY INTO CONTEMPORARY GOVERNANCE

The mass of men serve the state thus, not as men mainly, but as machines, with their bodies. ... In most cases there is no free exercise whatever of the judgment or of the moral sense; but they put themselves on a level with wood and earth and stones; and wooden men can perhaps be manufactured that will serve the purpose as well.

—Henry David Thoreau, *Walden and Civil Disobedience*

Introduction: Democratic Rhetoric as Rhetorical Democracy

Machines perform functions that accomplish ends for purposes determined by active human beings. Human beings, when they do not engage their inherent capacities for self-rule in order to constitute their world(s) can be reduced to mere machinery; performing ends determined by others who do participate in making the world. Yet, as Henry Thoreau argues, society does not need only one or a few participating and constituting the *in-between* spaces that form the social world. Society needs individuals who are not clay figures, who do not actualize the capacities that distinguish humanity from inanimate objects. It needs individuals who are not mere subjects or denizens who only know how to be ruled and do not know how to rule or are not empowered to rule. Citizens are societal members who understand and participate in the “free exercise ... of ... judgment”;¹⁰⁷⁷ embodying their rights of liberty, equality, and self-rule or power. For

¹⁰⁷⁷ Henry David Thoreau, “Civil Disobedience,” in *Walden and Other Writings*, ed. Joseph Wood Krutch (New York: Bantam Classics, 2004), 91.

subjects to be transformed into citizens they must be empowered to enact their rights through meaningful participation within the public sphere in ways that employ their knowledge of contextualized particulars, in order to constitute identifications that lead to a collective will productive of collectively binding decisions representative of the common good. The means through which a societal member is acknowledged as a citizen involves not only the recognition of being a citizen, but also the ongoing engagement of becoming a citizen. To be a citizen entails acting out one's citizenship.

Citizenship, how one is empowered to be a participant in society, can be enacted through an endless variety of manifestations depending on the ideology of governance society accepts. For democracy to function as a *democracy* its citizens have to be continually empowered to employ their knowledge as active participants in the collectively binding decision-making process. Through democracy, a space in which the citizenry is empowered to embody and achieve their natural, innate human rights must be constructed. Human beings naturally have a right to pursue the ends that they desire and punish those who interfere with attaining and retaining those ends. They also have a desire for *acting-together* politically through identifications that constitute *in-between* spaces where individuals realize their liberty. When individuals congregate in order to accomplish their collective needs and wants through cooperative behaviors –society– they must decide how their liberties will be limited and to what end. Democracy proposes that these individuals will be equal collectively binding decision-makers. For a democracy to even approach accomplishing such ideals societal members must construct a place for its citizens to enact democratic rhetorical engagements. Consequently,

democratic rhetoric requires a political space –a rhetorical democracy– in which empowered participants can produce a strong sense of democratic accountability and response.

Democratic rhetoric rests upon the nature of human communication. Coming together, individuals posit meanings for certain objects that they then assign a *symbol* to in order to represent the *meaning* –attitude and action– those individuals consensually agree upon. These symbols, whether found in the words and phrases of a language or a culture’s material codes, then act as *arousal agents* that call forth particular *responses* from those who share in that particular *meaningful symbolic order*. To elicit *cooperative behaviors* for the *common good* through collectively binding decisions, participants in the decision-making process have to be able to engage each other through one another’s symbolic orders. This means that those individuals who address the citizen participants need to *invent* throughout the preparational phase and during the actual *rhetorical engagement*. In doing so, individuals of one *micro-culture* will take on the *role of others* who are from relevant oppositional micro-cultures. Yet, concrete and creative invention through the symbolic orders of others only becomes necessary when the collectively binding decision-making space is *inclusive* of society’s micro-cultures and fosters *strong rhetorical accountability* through the possibility of immediate *rhetorical response*. As multiple engagements expressive of *public wills* transpire the citizenry produces a *collective will* that is productive of a particular reality. This reality is generated through the mutual communicative event, as well as the cooperative behavior the collectively binding decision results in for societal members. In this way, democratic rhetoric creates

richer understandings across different micro-cultures and is transformational of individuals and society.

Key to a rhetorical democracy then, is a functional space that brings the citizenry together in a way that the force of democratic rhetoric moves the participants beyond their prejudices and personal preferences or will. Gadamer describes a prejudice as “a judgment that is rendered before all the elements that determine a situation have been finally examined.”¹⁰⁷⁸ In a sense, a prejudice is formed through expectations in relation to certain contexts –expectations that are developed through how the individual sees and relates to their perception of reality; a reality consensually constructed through his or her symbolic orders. To move individuals beyond their prejudices, a rhetorical democracy has to constitute a space of political participation in which citizens “enter into the ruling principle of [their] neighbors’ mind, and suffer him [or her] to enter into [their own].”¹⁰⁷⁹ For this to occur, a rhetorical democratic space must bring together the full range of participants from the citizen members of society’s micro-cultures.

A rhetorical democracy also needs to create a place in which the citizen participants are functionally equal. Even though a human constructed space “in which every man and every woman shall have equal weight in society, is a chimera,”¹⁰⁸⁰ a rhetorical democratic place in which people are equal in liberty and power is essentially possible. Such a functionally equal political space is only possible when participation is

¹⁰⁷⁸ Gadamer, *Truth and Method*, 273.

¹⁰⁷⁹ See Marcus Aurelius (1964), *Meditations*, at p. 135.

¹⁰⁸⁰ See John Adams, 1814/2004, at p. 419.

not restricted according to any criteria based on capacities or determinations –birth, inheritance, race, or symbolic orders– that individuals are born into or which emerge throughout the course of life events. To be functionally equal recognizes that each citizen has the right to participate in agenda setting for those contextualized particulars considered, the process of determining the collective will, and effectively contributing to the provisional closure of a collectively binding decision.

In democratic rhetoric the core criteria –those mentioned here and previously– for the function of a rhetorical democracy have already been established. To manifest these functions in the governing process certain structures that enable and achieve a political space need to also be constituted. Just as the Athenian ideology of democracy provides a productive means for understanding the nature of authentic governance, it also offers a ground for constructing the structures of a rhetorical democracy. Ideology invites individuals into supportive individual and collective acts, which in turn most often necessitates institutional infrastructures that provide spaces conducive for the performance of those acts. Called into a democratic subject position the Athenians organized their political spaces so as to be able to enact the ideals, values, and practices the ideology required for reification. The institutions of Athenian democracy should not be viewed as separate from their ideology of democracy, in that these institutions are material manifestations congruent with that ideology. An empowered people, who considered themselves to be functionally equal, desirous of being able to enact their liberty and employ their knowledge in order to make collectively binding decisions concerning contextualized particulars, needed institutions and infrastructures that would

facilitate their practices and performances of self-rule through rhetorical engagements. In ancient Athens these institutional structures were developed and honed over time and therefore it is their governing apparatuses that provide a basis for concretizing rhetorical democracy into the contemporary societal context. The concerns related to direct democracy should not be discounted though; it is here where the insights of the founders and framers of American governance also guide in the projection of the institutions and institutional infrastructures necessary to bring a rhetorical democracy to fruition.

Direct Democracy in Ancient Athens: A Sketch

We are unique in the way we regard anyone who takes no part in public affairs: we do not call that a quiet life, we call it a useless life. We are all involved in either the proper formulation or at least the proper review of policy, thinking that what cripples action is not talk, but rather the failure to talk through the policy before proceeding to the required action.

—Pericles, *The Peloponnesian War*

Ancient Athens and its people produced an ongoing legacy that reaches across the expanse of time to remain influential for contemporary thought and practices. This is especially true in relation to democracy, as, contends Lipson, “it was the Athenians who created democracy ... by theorizing about its principles and inventing its institutions.”¹⁰⁸¹ While ancient Athens is long removed from today’s world, it is not only time that separates the Athenians from the here and now but also their culture and material practices and situations. It could be argued that this distance makes it difficult to incorporate their contributions. While acknowledging this contention, John Rawls argues that the use of historical examples can be beneficial. A right interpretation, according to Rawls, of “the conceptions and principles ... for the basic historical questions ... should

¹⁰⁸¹ See Lipson (1964), at p. 20.

be widely applicable to our own problems.”¹⁰⁸² To develop a right interpretation of the answers provided to historical questions by a people of a different time and place a thorough investigation into their material practices and contexts is warranted. By examining the practices, instead of just the conceptions and principles, the underlying, emergent premises can be translated for practical, concrete, contemporary application. Theory practiced faces the harsh realities of real world situations and therefore, the enacted manifestation refines the theoretical principles into workable solutions.

The Funeral Orations by Pericles was given decades after the democratic reforms—the Kleisthenic reforms—of 508/7 B.C. and yet it encapsulates the democratic sensibilities engendered through those reforms. Democracy in Athens evolved as “the Athenians improved their system”¹⁰⁸³ of governance. For the Athenians “the defining characteristic of their democracy” was their “capacity to change laws, and generally, to confront contingency with new institutional solutions.”¹⁰⁸⁴ Even though they had a propensity for “modifying institutions in light of new information or changing circumstances,”¹⁰⁸⁵ four institutions formed the relevant foundational institutions and institutional infrastructures for Athenian democracy: citizenship, the *Boule*, the Assembly, and the navy.

¹⁰⁸² See John Rawls (1996), *Political Liberalism*, at p. xxxi.

¹⁰⁸³ Woodruff, *First Democracy*, 16.

¹⁰⁸⁴ Schwartzberg, *Athenian Democracy and Legal Change*, 311.

¹⁰⁸⁵ Schwartzberg, *Athenian Democracy and Legal Change*, 311.

Those Who Ruled Themselves: Athenian Citizenship

Aristotle defined a citizen as a person “who has the power to take part in the deliberative or judicial administration of any state.”¹⁰⁸⁶ While this definition comes significantly after the major Athenian reforms shifted their political institutions to democracy it speaks directly to what Athenian citizenship entailed following the reforms of Kleisthene.¹⁰⁸⁷ These reforms, which provided for “the orderly and standardized definition of all shareholders in the community,”¹⁰⁸⁸ are considered the genesis of Athenian democratic citizenship and institutions.¹⁰⁸⁹

The Athenian *polis*, “a composition of elements – the citizens”¹⁰⁹⁰ was not limited to Athens but was inclusive of all of Attica.¹⁰⁹¹ The boundaries of Attica spanned 1000 square miles, which meant that “people in the farthest corners lived about 30 miles ... from the city.”¹⁰⁹² Athens, as Attica, meant that citizenship was largely constituted as

¹⁰⁸⁶ See Aristotle (1996), *Politics*, at p. 63.

¹⁰⁸⁷ Phillip Brook Manville, *The Origins of Citizenship in Ancient Athens* (Manville, Princeton: Princeton University Press, 1997), 199.

¹⁰⁸⁸ Manville, *The Origins of Citizenship in Ancient Athens*, 198.

¹⁰⁸⁹ Luca Gaeta, “Athenian Democracy and the Political Foundation of Space,” *Planning! Theory & Practice* 5, no. 4, (December 2004): 481.

¹⁰⁹⁰ Stephen Everson, “Introduction,” in Aristotle: The Politics and The Constitution of Athens, ed. and trans. Stephen Everson (Cambridge, UK: Cambridge University Press, 1996), xvii.

¹⁰⁹¹ Kostas Vlassopoulos, “Free Spaces: Identity, experience and democracy in Classical Athens,” *Classical Quarterly* 57, no. 1 (May 2007): 36.

¹⁰⁹² P. J. Rhodes, “Ancient Athens: Democracy and Empire,” (201–215) *European Review of History* 16, no. 2 (April 2009): 202.

“an imagined community, a polity in which most members did not know each other.”¹⁰⁹³

The geographical extent of Athens was home to “a total population of around 250,000 to 300,000.”¹⁰⁹⁴ This total included members of the population who were excluded from citizenship: women, children, slaves, and *metics* or immigrants conducting business in Athens.¹⁰⁹⁵ With citizenship restricted to adult males, the number ranged “between 30,000 and 50,000.”¹⁰⁹⁶

The right of Athenian citizenship was carefully regulated through the law and entailed rights and obligations. An adult male over the age of eighteen, who had his petition for citizenship accepted by the Assembly of his ancestors’ *deme* –a social/political institution based on territorial districts– was protected by the law.¹⁰⁹⁷ A citizen was afforded a trial in capital cases, he could not be tortured, authorities had to sanction any intrusion of his home; his property rights were secured, and he had the right to speak and vote in the Assembly.¹⁰⁹⁸ With these rights came the responsibilities of citizenship: A citizen was to live in obedience to the law, render military service when

¹⁰⁹³ Vlassopoulos, *Free Spaces*, 36.

¹⁰⁹⁴ Thorley, *Athenian Democracy*, 77.

¹⁰⁹⁵ Rhodes, *Ancient Athens*, 201-204.

¹⁰⁹⁶ Thorley, *Athenian Democracy*, 77.

¹⁰⁹⁷ Manville, *The Origins of Citizenship in Ancient Athens*, 188-189; Gaeta, *Athenian Democracy and the Political Foundation of Space*, 475-479; and Vlassopoulos, *Free Spaces*, 36.

¹⁰⁹⁸ Hansen, *Democracy as an Ideology*, 74-76.

called upon, pay taxes, and participate in the political institutions.¹⁰⁹⁹ These rights and obligations “were exercised without any exclusion based on wealth, profession or appearance” and conjoined the elite as equals in citizenship with those “struggling to make ends meet.”¹¹⁰⁰ Reaching beyond the definition of the citizen the reforms of Kleisthene also reconstituted the political institutions of Athens; two of which are of particular interest.

The Executive Arm of Athenian Governance: The Boule

The institution that proposed the agenda for the Assembly, the *Boule*, functioned as the executive arm of Athenian democracy.¹¹⁰¹ It was comprised of fifty members from each of the ten *trittyes* –artificially constructed tribes or political districts (totaling 500)– that incorporated the *demos* from the three population regions of Attica: the coast, inland, and Athens proper.¹¹⁰² Membership in the *Boule*, according to Thorley, was restricted to male citizens, thirty years of age or older, who were at the minimum members of the *zeugitai* class (landowners with a certain annual income), and had presented themselves before their *deme*, which then either could validate or deny their eligibility.¹¹⁰³ If the number of qualified citizens was greater than the number of citizens allowed from a particular *deme*, the representative was selected through the casting of lots. Service in the

¹⁰⁹⁹ Manville, *The Origins of Citizenship in Ancient Athens*, 192.

¹¹⁰⁰ Kostos Vlassopoulos, “Slavery, Freedom and Citizenship in Classical Athens: Beyond a Legalistic Approach,” *European Review of History* 16, no. 3 (June 2009): 357.

¹¹⁰¹ Thorley, *Athenian Democracy*, 28-30.

¹¹⁰² Manville, *The Origins of Citizenship in Ancient Athens*, 194.

¹¹⁰³ Thorley, *Athenian Democracy*, 27-31.

Boule was limited to a one year term and could be held only twice over the course of a lifetime.¹¹⁰⁴

In setting the agenda or *probouleuma*, the *Boule* provided both specific and general issues and policies to be addressed by the Assembly. After the Assembly had reached its decisions on those items the *Boule* was then responsible for publishing those decisions and ensuring that they were enacted. In addition, the *Boule* oversaw duties that included the state's financial, administrative, and judicial responsibilities.¹¹⁰⁵ These duties included managing the collection of tribute,¹¹⁰⁶ administration of "public works and services,"¹¹⁰⁷ and diplomatic functions.¹¹⁰⁸ Through the *Boule*, Kleisthene provided an institution that afforded the Athenian an instrumental organ of representatives that acted as a rudder to the state through its oversight and attention to the day-to-day administrative operations. While *Boule* served the state through these means, the Assembly embodying Athens most democratic institution, is where the citizenry engaged in the collectively binding decision-making process.

"The Assembly," according to Thorley, "always felt that it was definitely in charge – and so it was."¹¹⁰⁹ It was in the Assembly that every Athenian citizen had the

¹¹⁰⁴ Thorley, *Athenian Democracy*, 27.

¹¹⁰⁵ Manville, *The Origins of Citizenship in Ancient Athens*, 196.

¹¹⁰⁶ Starr, *The Birth of Athenian Democracy*, 41.

¹¹⁰⁷ Thorley, *Athenian Democracy*, 30.

¹¹⁰⁸ Manville, *The Origins of Citizenship in Ancient Athens*, 195.

¹¹⁰⁹ Thorley, *Athenian Democracy*, 79.

privilege and opportunity to engage in the collective rule of the city. The effect of Kleisthene's reforms were to make the citizens "accountable for the welfare of [the] polis"¹¹¹⁰ or Athenian state. In the Assembly, citizens produced the collectively binding agreements for which they "not only voted for ... but were also the people who carried them out."¹¹¹¹ As such the people were ultimately responsible for those decisions. This fact of collective accountability for the judgments rendered likely contributed to their "attachment to the progressive ideology of *pragmatic innovations*"¹¹¹² that guided the evolving nature of Athenian democracy. Throughout the fifth century this 'progressive ideology' led to slight modifications in the operation of the Assembly and how it was constituted. With this said though, again it was the reforms of Kleisthene that formed its foundation as a democratic institution.

Where Citizens Ruled: The Athenian Assembly

Ekklesia involved the citizen's right to speak in the Assembly and is the most significant element of Athenian democracy. As Woodruff notes, in Sparta its citizens were allowed to vote on proposed policies, but they were not able to either propose policies or address them in the Assembly.¹¹¹³ In the Athenian Assembly the citizen not only voted on solutions to contextualized particulars but could also rhetorically engage each other over which solution should be implemented. As discussed previously the

¹¹¹⁰ Manville, *The Origins of Citizenship in Ancient Athens*, 197.

¹¹¹¹ Thorley, *Athenian Democracy*, 79.

¹¹¹² Melissa Schwartzberg, "Athenian Democracy and Legal Change," *The American Political Science Review*, 98, no. 2 (May 2004): 311.

¹¹¹³ Woodruff, *First Democracy*, 33.

Boule would set certain issues for the attention of each Assembly,¹¹¹⁴ but in addition the Assembly could direct the *Boule* to propose issues that it deemed significant for the next meeting.¹¹¹⁵ The power of the Assembly extended over a broad range of concerns and interests: religious buildings; sanctioning of new cults; public religious festivals; expenditure of surplus revenue to beautify public properties; sanctioning of state approved weights and measures for trade; official currency; areas of foreign policy; construction of triremes; and appointments to key positions like the generals, the “city architect, the superintendent of the water supply, and the board of naval architects.”¹¹¹⁶

Annually a citizen typically had forty opportunities to take advantage of his right to practice *ekklesia* in Assembly.¹¹¹⁷ While citizenship could be registered for at the age of eighteen, to participate in the Assembly a citizen had to be twenty years of age or older. Another restriction on a citizen’s participation in the Assembly that impacted a citizen’s ability to speak encompassed two factors. First, the holding capacity for each Assembly was limited to six thousand, which meant that not all of the citizens in Attica could attend at one time.¹¹¹⁸ With this many people, even though all had the right to address the Assembly, there was not enough time for everyone to speak. Due to this limitation, members of the Assembly regulated those who spoke, through their attention

¹¹¹⁴ Starr, *The Birth of Athenian Democracy*, 15.

¹¹¹⁵ Thorley, *Athenian Democracy*, 30.

¹¹¹⁶ Starr, *The Birth of Athenian Democracy*, 18, 40-44.

¹¹¹⁷ Thorley, *Athenian Democracy*, 31.

¹¹¹⁸ Hansen, *Democracy as an Ideology*, 79.

to and even interruptions of the speeches given. If a speaker was not considered as having specific knowledge in regards to the issue under review, the audience could heckle the speaker until he gave up the podium.¹¹¹⁹ On the other hand, speakers, who had specific knowledge or had developed trust with the citizenry through past participation, were given latitude as long as they held to the general norms governing speakers. Aeschines provided a synopsis of these norms:

[The speaker] must keep to the matter at hand, must not deal with two separate matters together, and must not speak twice on the same matter at any one meeting. He must not engage in slanders or scurrility, or interrupt others. He must speak only from the platform, and must not assault the presiding officer....¹¹²⁰

After the speakers had addressed a specific topic the Assembly was then called upon to vote. The process, especially when the issue was complex, could span more than one Assembly meeting. When the process had been completed and the vote rendered, the decision was then “recorded and published.”¹¹²¹ Thus, the democratically arrived at collectively binding decision could be publically reviewed by the rest of the citizenry. This completed the democratic circle: the citizenry could propose the contextualized particulars to consider, the citizens would rhetorically engage the Assembly, the citizens voted on the proposed solutions, and then the people were publically informed of the decision so that they could review the decision.

One other important factor contributing to participation in the Assembly was that the Athenians eventually instituted pay to “ensure a high degree of popular

¹¹¹⁹ Starr, *The Birth of Athenian Democracy*, 63.

¹¹²⁰ Aeschines *Against Timarchus* 1.35, quoted in John Thorley, *Athenian Democracy* (London: Routledge, 1996), 32-33.

¹¹²¹ Thorley, *Athenian Democracy*, 33.

participation.”¹¹²² Citizens for whom a day of service in the Assembly meant an economic hardship received a financial stimulant to attend the Assembly and maintain the vitality of their democracy. The significance of citizenship is demonstrated in that the Athenians chose to increase the pay for participating in the Assembly throughout the fourth century, while no pay was granted for service in the army and the pay for manning the triremes of the navy was considered inadequate.¹¹²³

The effect of these democratic reforms for Athenian citizens was a broadening of the distribution of power. Thus with Pericles, each citizen could echo the claims that he made during his famous funeral oration commemorating the fallen soldiers of Athens:

[The] administration [of the Athenian constitution] favours the many instead of the few; this is why it is called a democracy. If we look to the laws, they afford equal justice to all in their private differences; if to social standing, advancement in public life falls to reputation for capacity, class considerations not being allowed to interfere with merit; while as to poverty, if a man is able to the state, he is not hindered by the obscurity of his condition.¹¹²⁴

Every Athenian citizen had the right to participate in the decision process of the government. As a consequence, these reforms also dictated that each citizen was now “accountable for the welfare of [the] polis”¹¹²⁵ or Athenian state. At times this meant that Athenians had no one truly to blame for policies that lead to disaster as was the case when the Assembly approved the catastrophic Sicilian Expedition of 411 B.C.¹¹²⁶ On the

¹¹²² James Lawrence O’Neil, *The Origins and Development of Ancient Greek Democracy* (Landham, MA: Rowman and Littlefield, 1995), 86.

¹¹²³ O’Neil, *The Origins and Development of Ancient Greek Democracy*, 86.

¹¹²⁴ Thucydides, Pericles’ Funeral Oration, 31.

¹¹²⁵ Manville, *The Origins of Citizenship in Ancient Athens*, 197.

other hand, it also meant that the collectively binding decisions they lived by were those that they had the ability to propose, shape, decide upon, and enact.

Democracy's Training Ground: The Athenian Navy

...the victory of Salamis, which was gained by the common people who served in the fleet, and won for the Athenians the empire due to command of the sea, strengthened democracy.

—Aristotle, *Politics*

Athens' transformation to democratic rule, in part, also emerged when their method of waging war transitioned from protecting their lands to dominating the seas. With this change the *thete* –lower– class was elevated socially and politically due to the role they played in Athens' emergence as a dominant, imperial sea power. When Themistocles recognized that “becoming a seafaring nation was the key to the [Athenian] acquisition of power”¹¹²⁷ he persuaded the Athenian citizens to use public funds, which were initially to be distributed equally among them, to build a fleet of one hundred triremes –warships.¹¹²⁸ Upon the completion of this new fleet, the Athenian navy numbered one hundred and seventy ships, a number to which Athens continued to add until at the height of its power it had some three hundred triremes in its armada.¹¹²⁹ With

¹¹²⁶ Thorley, *Athenian Democracy*, 79.

¹¹²⁷ Thucydides, *The Peloponnesian War*, 46.

¹¹²⁸ Hale, *Lords of the Sea*, 3.

¹¹²⁹ Hanson, *A War Like No Other*, 260.

a crew of two hundred “sailors, officers, and marines,”¹¹³⁰ one hundred and seventy of which were rowers,¹¹³¹ the manpower requirements were in the tens of thousands.¹¹³² Since the Athenians manned their ships with free men and primarily with citizens these numbers necessitated that the “citizens of the lowest class, the thetes”¹¹³³ had to be engaged in military service.

The sailor’s experience on a trireme was intense, all encompassing, and educative. A trireme was a unique ship that inaugurated “a new era of warfare.”¹¹³⁴ While there were different positions on the ship that commanded higher rank, it was the rowers who were the heart of the trireme. The majority of oarsmen were positioned within the hull of the ship and therefore they had to row blindly.¹¹³⁵ In battle an opponent was defeated through maneuvering the trireme into position and then driving its forward ram into the side of an enemy ship. “Raw courage counted less,” according to John Hale, “than technique and the orderly execution of mechanical maneuvers.”¹¹³⁶ Success in an engagement involved precision and power that was provided through the efforts of the

¹¹³⁰ Hanson, *A War Like No Other*, 237.

¹¹³¹ Barry S. Strauss, “The Athenian Trireme, School of Democracy,” in *Demokratia: A Conversation on Democracies, Ancient and Modern*, eds. Josiah Ober and Charles Hedrick (Princeton: Princeton University Press, 1996), 317.

¹¹³² Strauss, “The Athenian Trireme, School of Democracy, 317.

¹¹³³ Hale, *Lords of the Sea*, 13.

¹¹³⁴ Hale, *Lords of the Sea*, xxxi.

¹¹³⁵ Hanson, *A War Like No Other*, 242

¹¹³⁶ Hale, *Lords of the Sea*, xxxi.

rowers. To master the skills necessary for a successful engagement, the crews had to “learn how to row in synchronization ... [and] become accustomed to the crash and roar of battle.”¹¹³⁷ “Order and unity,” according to Hanson, “were critical on board ships amid the distractions of the loud swishing and the piper’s tune to guarantee good rowing time.”¹¹³⁸ Seasoned rowers then, were “premium military assets who took months to train.”¹¹³⁹ The form and function of the trireme dictated training, execution, and experiences that demanded precision, cohesion, camaraderie, and community. Upon the quality of their training and the training of the fleet rested not only their lives, but the success and prestige of Athens as well.

As the extent of the Athenian empire grew, its reach throughout the Mediterranean Sea included places that the *thetes* had only heard about through stories. The crew members saw where the Trojan War was fought and won by the Greeks. They journeyed to the shores of Egypt and traveled up the Nile. They “would follow the sea routes hallowed by the legends of Odysseus, Theseus, Jason, and Cadmus.”¹¹⁴⁰ These voyages brought a knowledge of the world to which only the elites of Athens previously had access. The shift to the sea then “provided Athens with [a] unifying principle and

¹¹³⁷ Hanson, *A War Like No Other*, 252.

¹¹³⁸ Hanson, *A War Like No Other*, 240.

¹¹³⁹ Hanson, *A War Like No Other*, 247.

¹¹⁴⁰ Hale, *Lords of the Sea*, 112.

cohesive spirit”¹¹⁴¹ that was vital to its success on the seas and ultimately for its democratic institutions.

The connection between serving in the Athenian navy and democracy is found in the development of the *thetes*’ confidence as societal and political members. “The navy was,” according to Hale, “the origin of Athens’ extreme ... democracy,”¹¹⁴² The *thetes*, after the Kleisthenic reforms, did not exhibit a belief in themselves, nor did they have the knowledge to capitalize on their new found political position as citizens.¹¹⁴³ To truly be empowered citizens, the *thetes* needed to develop “self-confidence, a knowledge of the world, and less tangibly, the ability to imagine themselves as part of an active political community.”¹¹⁴⁴ Through their experience on the trireme the *thetes* formed a “social imaginary”¹¹⁴⁵ that informed their political consciousness and awoke them to their critical role in the maintenance and advancement of Athens. Now as an essential member of Athens’ military, Strauss argues: “Athenian thetes gained a new outlet of prestige, a new way to fight for their country, a way to make a military contribution as important, if not more so, than that of their wealthier neighbors.”¹¹⁴⁶ Due to this new military orientation many of the successes and the failures of the policies voted on in the Assembly largely

¹¹⁴¹ Hale, *Lords of the Sea*, xxx.

¹¹⁴² Hale, *Lords of the Sea*, xxvii.

¹¹⁴³ Strauss, “The Athenian Trireme, School of Democracy, 313.

¹¹⁴⁴ Strauss, “The Athenian Trireme, School of Democracy, 313.

¹¹⁴⁵ Strauss, “The Athenian Trireme, School of Democracy, 316.

¹¹⁴⁶ Strauss, “The Athenian Trireme, School of Democracy, 315.

depended on the *thetes*. As a member of a ship that was part of a coordinated and ordered fleet, a *thete* learned the importance of working in unison through “a communitarian and egalitarian effort.”¹¹⁴⁷ The trireme then acted as a school where the *thetes* “forged a thetic ideology”¹¹⁴⁸ that included equality, order, freedom, and solidarity: all of which were imperative for the development of their political consciousness. In other words, service on a trireme fostered the indispensable belief that provided the impetus for their sensibilities and practices within Athens’ political institutions as democratic citizens.¹¹⁴⁹

Application to the American Political Landscape

While the Athenian structures of democratic governance evolved over time to meet their conceptual and material needs and strengths and limitations their answers, practices, institutions, and institutional infrastructures have to be transformed to provide the same in a contemporary societal context. Their structure and procedures for the Assembly clearly provided for strong rhetorical accountability and response, but what about the other factors; like how the Athenian Assembly would incorporate the mass populations of large scale cities and what institution would perform the role of the Athenians’ *Boule*. Additionally, the Athenians gained valuable training in the ways of cooperative behaviors, constructing shared symbolic orders through their experiences at sea. How would the average contemporary citizen procure this type of democratic instruction? The answers are not simple, but the proposals made here should provide for

¹¹⁴⁷ Strauss, “The Athenian Trireme, School of Democracy, 318.

¹¹⁴⁸ Strauss, “The Athenian Trireme, School of Democracy, 320.

¹¹⁴⁹ Strauss, “The Athenian Trireme, School of Democracy, 320.

productive possibilities where typically, instead of seeking solutions to these concerns, past and current political theorists have sought alternatives that either dismiss direct democracy as a necessary and viable collectively binding making space or negate its benefits.

Answering the Critique of Structure: Assembly Boundaries and Adding Forums

A structural critique of direct democracy holds that its requirement for meeting in person makes it untenable due to the citizenry's numbers and their dispersal over great distances.¹¹⁵⁰ As a city-state, even the furthest inhabitants of Attica –Athens– could feasibly attend the Assembly. Today's nation-states generally incorporate territorial distances that would make travel to and from a national or state Assembly highly problematic. In addition, due to high urban density and large populations, the act of bringing together people to participate in an Assembly would also be highly difficult;¹¹⁵¹ made more difficult “the larger the scale.”¹¹⁵² These practical concerns lead Young to claim: “Democratic politics must respond to this scale, and thus must involve millions of people related to one another through democratic institutions.”¹¹⁵³ Yet, even though political theorists typically present these critiques to dismiss direct democracy, they also acknowledge the contexts in which it does work. For instance, Gutmann and Thompson state that “the advantages of direct democracy can be realized only in local units or

¹¹⁵⁰ Gutmann and Thompson, *Why Deliberative Democracy?* 31.

¹¹⁵¹ Gutmann and Thompson, *Why Deliberative Democracy?* 31.

¹¹⁵² Dryzek, *Deliberative Democracy and Beyond*, 50.

¹¹⁵³ Young, *Inclusion and Democracy*, 45.

subunits in the political system.”¹¹⁵⁴ Young, when advocating that “regional governance institutions ... should, be designed so as to preserve or create neighbourhood and town voice and participation” warns against “metropolitan fragmentation”¹¹⁵⁵ in which certain individuals constitute exclusive political enclaves in the midst of interdependent, closely associated, yet different others. For direct democracy to be a viable form that structures the functions of governance in order to foster and facilitate democratic rhetoric –to realize authentic governance– these questions regarding scope, size, and infrastructure need to be addressed.

Limiting the scope of a direct democracy to the boundaries of a metropolis would provide a means for addressing the concern of distance. Young describes the boundaries of a metropolis as “include[ing] all those who dwell together within structural relations generated by processes of interaction, exchange, and movement that create unavoidable conditions of action for all of them.”¹¹⁵⁶ Obviously, Young’s notion is the ideal and as such while it should be pursued, if the citizens of a city incorporated in a metropolitan area decided to employ the structures outlined here the ideal should not constrain their decision to do so. In limiting the political jurisdiction to the metropolis or even a city the citizenry would attend an Assembly associated with their place of residence; in which the results of their self-rule, productive of collectively binding decisions, would be practical and contextually situated to the citizenry’s primary lived spaces. Practically, this would

¹¹⁵⁴ Gutmann and Thompson, *Why Deliberative Democracy?* 31.

¹¹⁵⁵ Young, *Inclusion and Democracy*, 198.

¹¹⁵⁶ Young, *Inclusion and Democracy*, 197.

limit the number of possible participants, but it also would constrain the scope of the Assembly's political jurisdiction to the affairs of a particular polity. Even this restriction of political jurisdiction though, could eventually be lifted for key State and National contextualized particulars. For instance, one reason for "the self-discovered democratic consciousness" of the Athenians, according to Manville, was that "once the *dēmos* saw the power of its own judgments, its desire to take on more and more authority and to implement changes that promoted its rule grew stronger."¹¹⁵⁷ Likewise, after demonstrating their ability to rhetorically engage in collectively binding decision-making processes generative of quality judgments for their own polities, Assemblies across contemporary states or the nation could be employed to express the will and judgment of the citizenry. While this expansion is an imaginative possibility, the following discussion will be restricted to the political jurisdiction of a metropolis or city.

The problem of size –too many citizens to meet together at one time and at one place– that is inherent in a major metropolitan context certainly seems to create a significant problem for participation in direct democracy. This is true only when the Assembly's forum is considered as a singular entity. In Athens, the Assembly functioned fruitfully for a total population of 250,000 to 300,000, with 30,000 to 50,000 of those being citizens. These numbers allowed for the full functioning of Athenian democratic institutions. Therefore, when the citizen population exceeds these numbers, the answer is not to expand the capacity of an Assembly, but to multiply its forums. For example, in a city of one million citizens, twenty forums for twenty different citizen districts –like the

¹¹⁵⁷ Manville, *The Origins of Citizenship in Ancient Athens*, 199.

Kleisthenes' *trittyes*— would provide today's citizenry with equivalent opportunities to participate in self-governance. While twenty forums in a city with one million citizens correspond to the Athenian model of six thousand participants, it is an arbitrary number. For instance, an alternative could be to reduce the number of participants assigned from each citizen district to their forum. Or the number of citizen participants could be reduced, while the number of forums increased. Another possible solution would be to alternate the days on which the forums met. As a result, this proposal and alternatives would not necessarily necessitate huge public works initiatives in order to build each citizen district a meeting place.

Just imagine six thousand citizens gathering together to rhetorically engage others over contextualized particulars in order to collectively decide upon issues important to the vitality of where they live forty times a year. Such a structure would shake up the contemporary political imaginary in fascinating ways. The solution to scope, size, and infrastructures concern simply lies in limiting the scope of participants to the boundaries of a city and increasing the number of forums associated with an Assembly.

The Boule in the Modern Context

When collectively binding decisions are made they need to be enacted. Every decision-making body is mirrored by an administrative arm that carries out the decision-making body's desires. In ancient Athens the *Boule* was its administrative arm, executing the policies sanctioned by the Assembly, overseeing the day-to-day operations of the *polis*, and composing the Assembly's agenda. To oversee the day-to-day operations the *Boule* was managed by five hundred administrators. In executing the policies of the

Assembly the *Boule* had to bring to concrete fruition what was dictated in abstract terms by the Assembly. It also provided the Assembly with a president, who “convened and presided over the ... assembly” and “received messengers, envoys, and applicants who wished to address the *dēmos*”¹¹⁵⁸ in the Assembly. By composing the Assembly’s agenda it ensured that the issues it viewed as significant, as well as those dictated by the Assembly, would be addressed in a timely manner. The *Boule*, or council of 500, was a powerful entity that is not unlike the representative leadership of a contemporary metropolis.

Elected city officials today are in the position of the Athenian *Boule*, with two important differences. In addition to seeing that laws and policies are enacted, they largely set the agenda without authoritative input by the citizenry and then they deliberate and decide how to address those agenda items. These are important distinctions, identifying key differences, but there are also noteworthy similarities. The selection of these officials predominately originated from a similar class as those who filled the Athenian *Boule*. In addition, city council members typically represent particular districts of a city much as a *Boule* member represented his *deme*—administrative centers of the ten *trittyes*.¹¹⁵⁹ Consequently, the functions of the *Boule* could be enacted by the elected officials of today. The significant differences would be that their agenda-setting function would be shared with the Assembly and the decision-making capacity they have now would be shifted to the forums of the local Assembly.

¹¹⁵⁸ Manville, *The Origins of Citizenship in Ancient Athens*, 195.

¹¹⁵⁹ Manville, *The Origins of Citizenship in Ancient Athens*, 189.

Assembly Procedures: Structuring Self-Rule

It is not feasible to reach back in time to the functions and structures of ancient Athens' direct democracy in order to lift them out of their cultural and material context to insert them into the contemporary world of governance. Athens' Assembly allowed for the self-rule of the Athenians over all of the affairs of their city-state and empire. Just the extensive boundaries of the nation-state's political jurisdiction negates the ability of the citizenry to meet face-to-face; the core structural characteristic of Athenian direct democracy. Yet for authentic governance, which is only actualized through democracy, to be realized in a nation-state it is the face-to-face self-rule of the citizenry that must be actualized. To bring Athenian direct democracy into the contemporary context of governance involves an act of translation, which highlights certain structures in order to transform them in ways that allow for democratic rhetoric to flourish. To empower the citizenry for self-rule, so that they experience liberty and functional equality and employ their non-contingent knowledge, a rhetorical democracy must first facilitate the face-to-face participation in the collectively binding decision-making process.

Assembly Procedures: Populating the Assembly with Citizen Participants

To populate the Assembly, the contemporary system of filling juries, provides a feasible system for selecting a diverse citizen audience. Following the model of the current jury system, those selected to fill the Assembly would be required to participate in their citizen district's forum. Notifications would be sent out to registered voters according to membership in the designated citizen districts. If necessary, just as jurors are paid to offset their loss of pay for their service, so could the citizen participants. Even if

participation is voluntary –in essence violating the obligation of citizenship– once the citizenry realized that involvement was a means for self-rule –that they could be a part of the collectively binding decision-making process productive of society’s laws and policies and was generative of public happiness– the interest of the citizenry would be provoked so that the forums would be filled. Either way, required or voluntary participation would be structured in the similar manner for selection and notification for each citizen district.

One possible area of concern related to populating multiple forums of an Assembly in large metropolitan areas would be the diversity of each citizen district and their related forums. It is plausible that entire citizen districts could be composed of individuals coming from a particular ethnic, racial, or economic background. Such forums could become individually polarized and cause discord along these ethnic, racial, and economic lines. Such homogeneity of forums would negate the citizen participants need to employ the full range of the inventional process for their rhetorical engagements and would also lessen the vitality of rhetorical accountability and response. To offset this possibility Kleisthenes’s formulation of arbitrary tribes –*trittyes*– that pulled citizens from the city, coastland, and inland populations provides a solution. Instead of simply blocking off sections of the city to draw participants from the constitution of each citizen district could be intentionally formed in order to ensure that each forum was populated by participants from the breadth of micro-cultures inhabiting the polity. The guiding principle for the formation of these citizen districts would be to ensure that they incorporated the heterogeneity found within the bounds of the metropolitan area. In this

way, the citizen districts and forums would constitute spaces for contestation, but even more importantly spaces in which citizens are brought face-to-face with member of the various micro-cultures that make up their community.

Assembly Procedures: Range of Assembly Authority

Another real practical concern would be the range of issues over which a modern day Assembly would have authority for self-rule. What areas would an Assembly be able to set policy and declare laws for? Starr claims that “the issues [the Athenians] faced, to be sure, were much simpler than those in the modern world, and in the marketplace they could gain information and misinformation on which to base their judgments....”¹¹⁶⁰ Starr presents two concerns here; one about the range of issues and the second regarding the quality of information used to make decisions about those issues. Perhaps his first concern would a true assessment if the political jurisdiction was not limited to the city, but at the level of local polities it is incorrect. In fact, while the Athenian Assembly did not address the full range of issues a nation-state does today it did set laws and policies for an extensive empire. Issues of national defense, foreign policy, currency, and approved weights and measures for trade that the Athenians attended to would not be under the purview of a local Assembly, as national and state entities would still retain authority in these areas. Moreover, even though contemporary politics is unconcerned with public religion, the maintenance and performance of religious rituals, and the construction of religious buildings it is concerned with civic events that are conducted on public premises and the construction of new public buildings and spaces. Like the

¹¹⁶⁰ Starr, *The Birth of Athenian Democracy*, 53.

Athenian Assembly, local Assemblies in a contemporary context would have authority over areas of civic events, civic spaces, policing, local transportation, welfare, development and redevelopment of economic areas and endeavors, waste, and a number of other interesting issues.

In addition, whether the decision-making body of a metropolis is composed of *better* (wo)men or of the citizenry there is no control over the quality of the information they take up and employ in the collectively binding decision-making process. The true hedge against the influence of misinformation is the strong versions of rhetorical accountability and response only available through a rhetorical democracy. Just like the Athenians, the citizen participants of these local Assemblies would be empowered to bring to bear their non-contingent knowledge relevant to contextualized particulars in order to envision and constitute their lived worlds through their collectively binding decisions.

Assembly Procedures: Norms for Speaking

The procedures or norms for speaking to the citizen audiences of the Assembly should adhere to one absolute principle: that how a citizen addresses the forum should not favor a particular communication code or symbolic order of a micro-culture. Beyond this principle, the norms that the forums of an Assembly could follow are open to the imagination and need of the citizenry. A practical starting place for these norms, are those that guided the Athenian Assembly as articulated by Aeschines. Aeschines' claimed, as previous explicated, that to address the forum an Athenian had to stay on topic, focus on one matter at a time, and speak no more than twice on the same subject. The speaker also

could only speak from the designated speaking platform, be civil, and respect the authority of the presiding official –a mayor?– who conveyed and facilitated the rhetorical engagements.

The key norm that the Athenians employed was that each individual could speak only twice regarding an issue. This is a powerful motivating norm, because it compels an individual to carefully reflect on –invent– what s/he would say. Definitely, it is difficult to imagine a functioning Assembly of this type, but that difficulty points to a true deficiency in the contemporary political imaginary. For the Athenians though, decade after decade, their Assembly followed these norms to effectively rule their community and empire. What is lacking in today's political imaginary is the belief and will that the people can rule themselves –a trust in their knowledge and capacities for making judgments that will instantiate the common good. What truly hinders the political imaginary from conceiving of, constituting, and enacting self-rule is the power of those who rule now and their resistance to relinquishing that power.

Assembly Procedures: Transparency through Prior, Concurrent, and Post Publicity

In setting the agenda for Assembly meetings, members of the *Boule* would decide on the issues, in addition to those the Assembly directed the *Boule* to include, that needed to be addressed. After setting the agenda, the *Boule* was then responsible for publicizing the agenda four days prior to the meeting. Today, elected officials would serve a similar, but expanded role. In addition to composing and publicizing the agenda, elected representatives would compile and distribute prior to the Assembly relevant and necessary information –contingent knowledge– for the citizen decision-makers.

Information distributed to those citizens selected for participation in a particular Assembly –or even better to all members of the metropolis– would offer the citizenry access to the contingent knowledge germane for addressing the contextualized particulars on the agenda. This official information could be augmented by other public or private entities that desired to emphasize competing perspectives that they believed were not fully conveyed or developed. In addition, communicating the agenda and these various informative sources would be enhanced in today’s context because, even though the current major metropolitan centers are much larger than ancient Athens, current communication channels collapse this space, allowing for more efficient conveyance of information throughout the populace. In performance of these roles, both the official and alternative sources of information would enrich the knowledge base, concerning the issues, of societal members in general and specifically for the citizens participating in the Assembly.

Prior publicity and distribution of contingent knowledge in today’s context would facilitate and enhance the societal benefits of a rhetorical democracy far beyond that achieved by the Athenians. For instance, a meeting of the Assembly would become a local news event, providing the various news outlets with multiple stories to investigate and publicize. Besides running stories about the contextualized particulars under consideration for an Assembly, the media could also serve as a check on the issues that the elected officials placed on the agenda. If the elected officials were not addressing a certain public problem, then the news media could inform the citizenry, so that if the next Assembly deemed it of value they could instruct the elected officials to place it on the

next Assembly's agenda. As a result, the impetus the Assembly would provide the news media would acknowledge, attend to, and enact Jefferson's admonishment "to give [the people] full information of their affairs thro' the channel of the public papers, & to contrive that those papers should penetrate the whole mass of the people."¹⁶¹ In addition, publicity of the actual meetings of the Assembly, as they were being conducted, would be a newsworthy event that local media could cover. Local rhetorical democracy would then, not only empower the citizenry for self-rule and foster their identification and public happiness; it would also reinvigorate the fourth estate.

When it is the citizenry who rules, it is especially imperative that collectively binding decisions are publicized so that those citizens not part of the Assembly can judge if the decisions made reflect the common good, know the cooperative behaviors the public has been committed to enact, and hold the administrative body accountable for the implementation of those decisions. Certainly these roles are important for any form of governance, but become even more significant when the decisions made by the Assembly are the means by which the viability of rhetorical democracy will be judged. In Athens, the Assembly's collectively binding decisions were formalized and then publicized in order for all societal members –citizens, metics, subjects, and slaves– to know what was required of them and of their administrative representatives. In the contemporary context post-publicity would serve the same purpose.

Concurrent and post-publicity also contributes to the legitimacy of the collectively binding decision-making process. Young argues that legitimate collectively binding

¹⁶¹ Jefferson, *Thomas Jefferson: Writings*, 880.

decisions “cannot take place in closed fora from which potentially affected parties are excluded.”¹¹⁶² The Assembly itself opens up the process significantly. Concurrent publicity further extends the transparency of the decision-making process. By opening up the forums to local coverage, the people –citizens, denizens, and subjects– would have complete access to their proceedings. Post-publicity would then serve to convey the Assembly’s outcomes to those who did not have the opportunity to participate or watch the concurrent coverage. Consequently, through the structure and functions of the Assembly and concurrent and post-publicity, the collectively binding decision-making process and decisions would be fully transparent. Through this transparency a rhetorical democracy meets practically Young’s necessary, yet insufficient, qualification for legitimate governance.

The Assembly: Educating the Democratic Consciousness

A democratic consciousness does not inherently reside in the minds of human beings. As argued previously, consciousness is a result of the symbolic orders a person ascribes to in that how one conceives of one’s self is a product of the meanings –attitudes and actions– s/he accepts about him/herself. As ideologies are systems of meaning, the ideology of rhetorical democracy, just like all other ideologies, must inculcate a particular subject position within societal members and instantiate material practices reflective of its core constructs. In ancient Athens the experience in the navy, the ideology developed and learned from the practices necessary for success in warfare, fostered the *thetes*’ uptake and belief in their abilities for self-rule as empowered, democratic citizens. In the

¹¹⁶² Young, *Inclusion and Democracy*, 68.

contemporary functions and structures, resultant from the American ideology of governance, the contemporary citizen lacks a similar democratic institution, in which democratic practices call him or her to a democratic consciousness and subject position. This is not to say that there are not established current institutions that can in part perform this role. For instance, a reorientation of the education system that reinvigorates its role in teaching democratic principles and practices could serve to inculcate future citizens to be prepared for self-rule. Learning about the core constructs and practices of rhetorical democracy are rendered impotent though without a space in which the citizenry is empowered to actualize them. Without an Assembly that provides future citizens with the opportunity to observe the positive consequences of participating in self-rule –functional equality, liberty, public happiness, and identification– there is little impetus to invest in learning about how to participate in functions and structures that are generative of rhetorical democratic collectively binding decision-making processes. Therefore, while the institutions of the education system would be valuable, necessary contributors to a rhetorical democratic consciousness and subject position, it would not be sufficient. As John Stuart Mill argues, individuals need opportunities that are productive of “the practical discipline which the character obtains, from the occasional demand made upon the citizens to exercise, for a time and in their turn, some social function.”¹¹⁶³ In other words, to constitute a rhetorical democratic citizenry that can participate in democratic rhetorical engagements, citizens do not need to just learn about core constructs and practices; they need to be empowered to enact them. When “circumstances allow the

¹¹⁶³ Mill, *On Liberty and Other Essays*, 254.

amount of public duty assigned [to a citizen] to be considerable, it makes [that person] an educated [citizen].”¹¹⁶⁴ In the *Federalist Papers*, Madison made a similar claim when he contended that to “be a competent legislator” required that the knowledge necessary to rule, in part could “only be attained, or at least thoroughly attained, by actual experience in the station which requires the use of it.”¹¹⁶⁵ It is then, in the contemporary context, only the Assembly that can provide the necessary and sufficient conditions through which the citizenry is sufficiently educated and called into being rhetorically democratic citizen empowered for self-rule.

The Far Reaching Benefits of a Rhetorical Democracy

The results of such a system would be dramatic and not only at the local level. The most important possibility would be the transformation of the political imaginary of the people. Cohen discusses a relevant concept that pertains to the political imaginary: the “accommodationalist preferences.”¹¹⁶⁶ To explicate this concept Cohen refers to Stoic slaves who matched their political imagination to their existing power relations.¹¹⁶⁷ Expected to be good slaves these individuals conceived how to be *good* slaves instead of imagining and working toward being free. In general then, it could be argued that individual and societal preferences are accommodated to the power relations in which they exist. This concept reflects the argument concerning the training ground that service

¹¹⁶⁴ Mill, *On Liberty and Other Essays*, 254.

¹¹⁶⁵ Madison, *Federalist* #53, 299.

¹¹⁶⁶ Joshua Cohen, “Deliberation and Democratic Legitimacy,” in *Democracy*, ed. David Estlund (Malden, MA: Blackwell Publishers, 2002), 96.

¹¹⁶⁷ Cohen, *Deliberation and Democratic Legitimacy*, 96.

on the triremes for the *thete* class of Athenian citizens was educative of a democratic consciousness. Therefore, conditions in which individuals practice citizenship shape their constitution as political beings.

If Cohen is correct about accommodationalist preferences then by empowering the citizenry through participation in a rhetorical democracy they would not only become more involved in their own metropolitan contextual particulars, but also the public problems addressed and decided upon at the state and national levels. Motivated through their empowered involvement in an Assembly the political imagination of the citizenry would be accommodated to the preferences of self-rule. In experiencing authentic governance through enacting democratic rhetoric in a rhetorical democracy the citizenry would come to see that they could collectively decide –rule– how to constitute their social and material world(s). This would affect the citizenry’s interests and involvement in local governance, as well as their attention to the governing of state and national representatives. For instance, the citizenry’s desire to hear their state and national leaders’ reasoning for collectively binding decisions would be inculcated and enhanced. Another possibility is that citizens, with expectations for rhetorical accountability, response, and forum transparency, would push for more open collectively binding decision-making processes at these levels as well.

Participation in the Assembly or even as elected officials of a rhetorical democracy could also have additional, real aleatory ideological effects on state and national governance. The ideological effects of a rhetorical democracy would call its citizens into a democratic subject position for their lived experiences at home. State and

national representative. As such, local governance would become a breeding ground for shaping participation in all forms for ruling society. Through participation in the Assembly, citizens who were selected to rule over society as state and national representatives would identify more strongly with a rhetorical democratic ideology. There are a number of possible beneficial results: potential candidates for state and national office would find it difficult to secure these positions without first being successful in an Assembly; a candidate's exposure to the voting public would be enhanced through their participation in the Assembly, which could offset in part the cost of campaigning; and a representative, who could not adequately defend and justify his or her position, would find it difficult to remain an elected official. Local elected officials, even if they had not participated in an Assembly could also become more democratically minded. If such an elected official attained a state or national position, s/he would likely bring with him or her a strong belief that as a representative s/he was accountable to the citizenry and to be responsive to their collective will.

Conclusion: The Most Humanizing Endeavor

Call democracy a dream, if you will, but keep dreaming democracy.

—Paul Woodruff, *First Democracy: The Challenge of an Ancient Idea*

Society is a space in which individual acts that flow out of a person's capacities are conjoined to that of other individuals in order to realize a social and material world that is only feasible through cooperative acts. When individuals give up their liberty, found in the state of nature, they submit to the imposition of a collective power over their lived endeavors. How this power is constituted for ruling is dependent in large part by

what is seen as possible through the symbolic orders of a particular society's culture. If that culture's webs of significance are undergirded with ideologies –a particular people's systems of meaning that articulate core symbolic constructs pertaining to certain contexts– that do not foster democratic governance the power of the people for self-rule is given over to some other(s). On the other hand, if the ideology associated with governance empowers the citizenry to rule –to propose the contextualized particulars for agenda items that the citizenry rhetorically engage over within a functionally equal space so as to generate collectively binding decisions that determine society's cooperative behaviors– then the people enjoy authentic governance through the only legitimate means for ruling societal members, rhetorical democracy. Authentic governance and democratic rhetoric rises up from the most human and humanizing endeavor, meaning construction.

When a meaning is ascribed to an object, whether physical, social, or abstract, it only is rendered powerful when other societal members consensually agree with that meaning. These meanings form the purpose of communication, thereby shaping a perceptual screen through which one's being and seeing the world is constituted. To offer up and negotiate the meaning of some object with others is then the most humanizing endeavor in which a person can engage in the construction of the lived world. When an individual endeavors with another over what something should mean or through acts that are demonstrative of a particular attitude toward an object that meaning has to be accepted outright or negotiated over before it is incorporated into their shared symbolic order. In many ways, then meaning construction that is humanizing –recognizing the participants' capacities of knowledge, equality, liberty, and power as conceived by the

Athenians— is a democratic process. Such a process is a rhetorical engagement with the participants attempting to convince each other that their meaning or particular nuance of the meaning best fits the object. In this microcosm of self-rule over the collective good of a meaning construct also employs weak and strong versions of rhetorical accountability and response. Individuals present at the meaning's inception, negotiation, or uptake are able to employ a strong version of both, while those removed from the process experience little or no ability for either.

On the other hand, when meaning is dictated by one or the few its effects can be one of the most dehumanizing endeavors in which humanity can engage. For instance, one of the most dehumanizing cooperative acts of meaning construction in American history was a result of the rule of a few. When the white, male, state representatives at the Constitutional Convention decided that “all other Persons” —*slaves*— were to be counted as only “three fifths” of a human being, in order to determine the number of “representatives and direct Taxes ... apportioned among the several States,”¹¹⁶⁸ the original Constitution of the United States constituted a portion of the population as less than human. In doing so, the attitude and acts of the national government and many of its citizens and subjects were shaped to allow for dehumanizing, reprehensible collective and individual behaviors towards subject who were denied their *inalienable* right for self-rule. If the Constitutional Convention was conducted as a rhetorical democratic Assembly, *slaves* would have been functionally equal participants with the liberty and power to rhetorically engage in the meaning construction of their personhood. These individuals

¹¹⁶⁸ U.S. Constitution, art. 1, sec. 2, cl. 3.

would have been able to hold those who desired to dehumanize them accountable in the moment by responding to –rhetorically confronting– the construction of their humanity as being less than human. To get at the heart of this problem though, one step back in meaning construction is warranted. Citizenship is a symbol that was narrowly defined prior to the Constitutional Convention by similar representatives, thereby excluding the majority of any members of micro-cultures living within the boundaries of the Confederated States. This means that the space of the Constitutional Convention was one that excluded not only women and *slaves*, but also any other habitus or communication community that would have compelled the representatives to rhetorically invent through their private wills in order to generate public wills that would have been meaningful to the members of those micro-cultures. Due to this lack of democratic rhetoric in a rhetorical democratic context these men were able to justify the privileging of the union of the few over the denial of human rights to the many. And as the analysis of the ideology of American governance has demonstrated their denial was not constrained to the *slaves* or Native Americans who were not incorporated into the established system of taxation,¹¹⁶⁹ it included those whose power deputized better men to rule over them.

Rhetorical democracy as meaning construction is not only the most authentic form of governance, it is the most humanizing. When governance distorts one or more of the core constructs in the ideological chain of meaning for authentic democracy, that government is no longer functionally a democracy. How the core constructs, entailments, institutions, and material practices are articulated together is indicative of the meanings

¹¹⁶⁹ U.S. Constitution, art. 1, sec. 2. cl. 3.

of power, liberty, equality, public happiness participation, and knowledge through identification that structure the ways in which that particular government is conducted. When governance is conducted by individuals who are viewed as having superior knowledge and the collective knowledge of the citizenry is dismissed that government is not democratic. When a government does not allow a citizen the liberty to speak into the collectively binding decision-making process that governance is not democratic. When the space in which governance is conducted does not constitute the citizenry as functionally equal that government is not democratic. When the entire citizenry is not empowered to participate in self-rule, then that government is not democratic. Democratic governance entails the citizenry being able to apply their capacities to governing through empowered, active participation in the collectively binding decision-making process. For a government to claim to be democratic, while not creating a political space in which the citizenry can engage each other through democratic rhetoric that fosters rhetorical accountability and rhetorical response is merely a mirage of democracy. Like the mirage in the desert when the ideals of democracy are employed by such a government to construe itself as democratic; what one finds when examining this type of government is that its governance is not for the elevation and empowerment of the citizenry, but to preserve the power of the one or the few over the many. The people – all people– thirst for democracy, dream of democracy and it is only through their participation in a rhetorical democracy that their longing for authentic governance – empowered, equal self-rule through which what divides individuals from each other is

bridged together for their collective, common good— is constituted and experienced as their reality.

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